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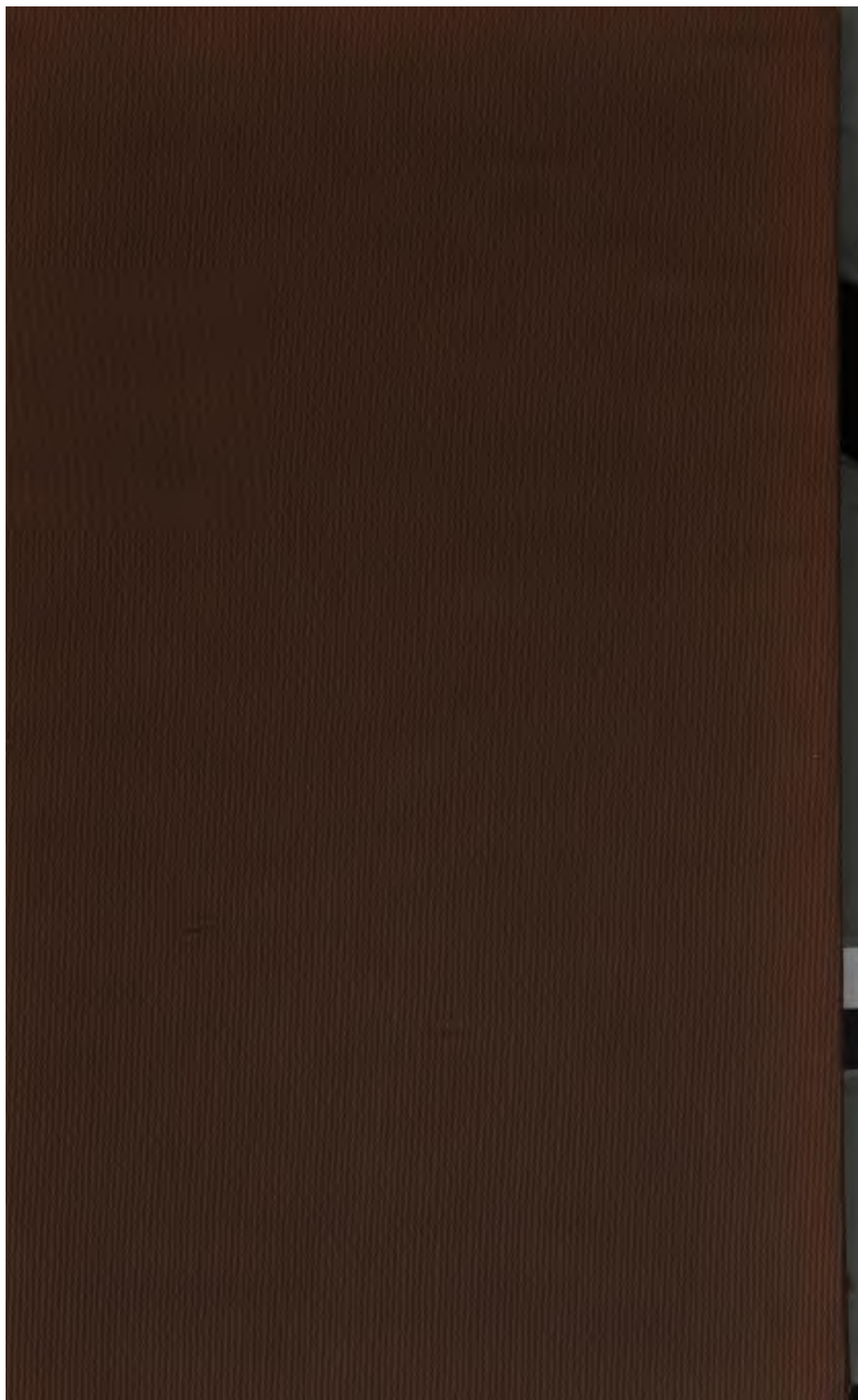
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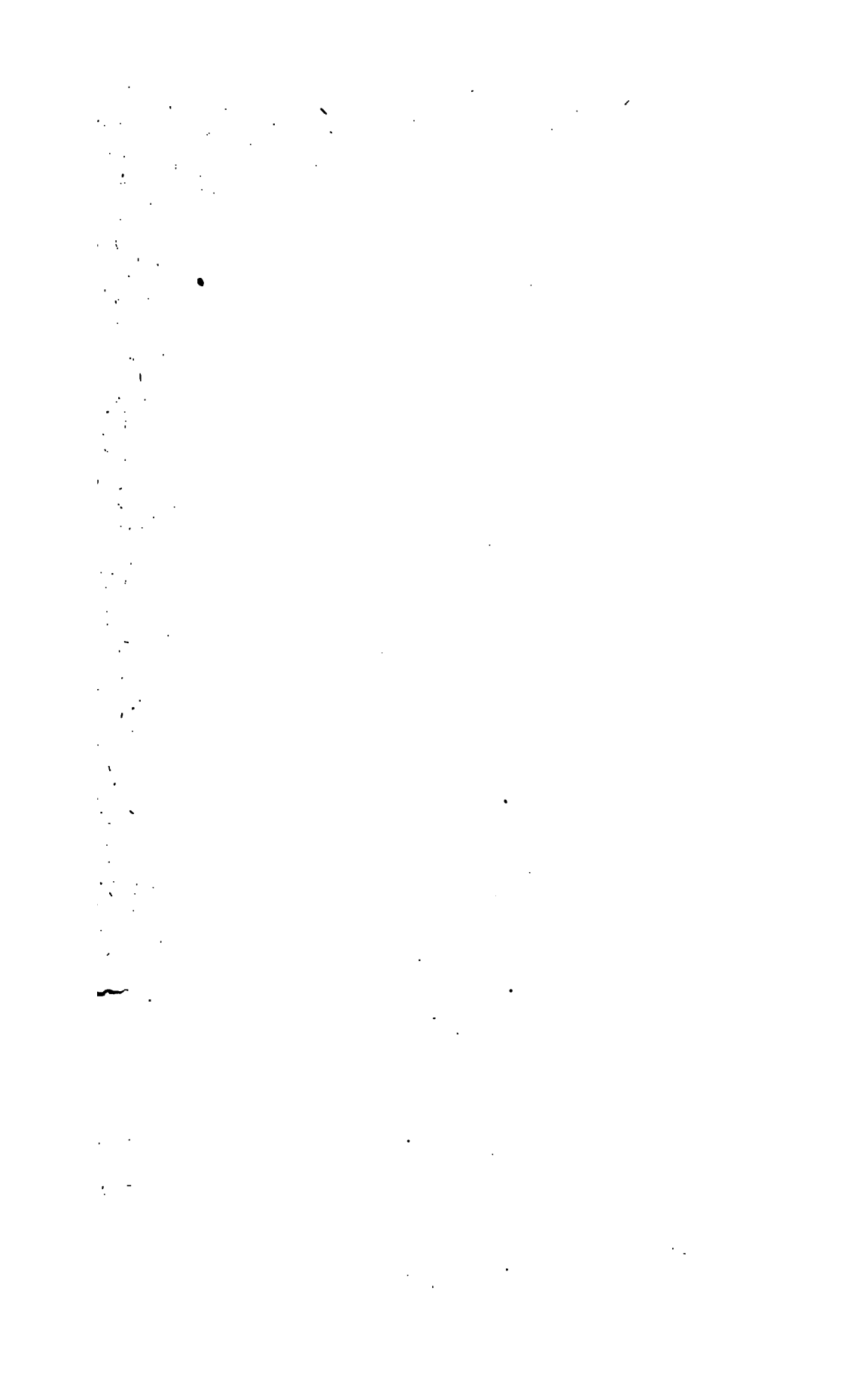


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A

DIGEST

OF THE

ORDINANCES

OF THE

CORPORATION

OF THE

City of Philadelphia;

AND OF THE

Acts of Assembly

RELATING THERETO.

Philadelphia, Pa. — Sales and Commission

PUBLISHED UNDER THE AUTHORITY OF THE COUNCILS.

elements?
By JOHN C. LOWBER & C. S. MILLER.

PHILADELPHIA:

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A
DIGEST

OF THE
ACTS OF ASSEMBLY AND ORDINANCES.

Attorney and Solicitor.

ORDINANCE.

The mayor to appoint an attorney and	1	To render his accounts to the com-	
solicitor,		missioners quarterly,	3
His duties,	2		

Ordinance of April 10, 1817.

An ordinance providing for the appointment of an attorney and solicitor, for the corporation of the city of Philadelphia.

1. **SECT. I.** *Be it ordained and enacted,* That the mayor of the city be authorised to appoint one gentleman of the bar, a citizen of, and resident within the city of Philadelphia, who has been admitted to practise, as an attorney and counsellor at law, in the supreme court of the commonwealth, to be the attorney and solicitor for the mayor, aldermen, and citizens of Philadelphia, who shall be removable at the pleasure of the mayor.

2. **SECT. II.** It shall be the duty of such attorney and solicitor, to draft all bonds, obligations, contracts, leases, conveyances, and assurances, which may be required of him, by any ordinance of this corporation, or which by any law or ordinance, heretofore passed, are requisite and necessary to be done and made, by and between the mayor, aldermen, and citizens of Philadelphia, and any person or persons contracting with this corporation, and which by law or usage the said mayor, aldermen, and citizens are to be at the expense of so drawing. It shall be his duty to commence and prosecute all and every suit and suits, action and actions, brought and to be brought by the mayor, aldermen and citizens, for or on account of any of the estate, rights, privileges, claims, or demands of the said corporation; as well as to defend all actions and suits, brought or to be brought against the said mayor, aldermen and citizens, or any officer of this corporation, wherein or whereby any of the estates, rights, privileges, ordinances or acts of this corporation, or any branch thereof, may be brought in ques-

2 Bake-houses & Coopers' Shops.

tion, before any court in this commonwealth; and shall do all and every professional act, incident to the office, or which may be required of him by the mayor of the said city, or by any committee of the select or common council, or by any ordinance or resolution of the said councils, or either of them; and shall, when required, furnish the said councils and the mayor with his opinions on any subject which may be submitted to him.

3. SECT. III. The said attorney and solicitor, shall exhibit quarterly, to the city commissioners, his accounts for professional services rendered during the said quarter, which shall be acted upon by them, as other accounts are by ordinance directed to be acted upon.

Bake-houses & Coopers' Shops.

ACT OF ASSEMBLY.

Bake-houses, how to be built,	1	How to be recovered,	2
Coopers' shops, how to be built,	1	Appeal,	3
Penalty on exercising either trade in buildings otherwise constructed,	2		

Act of February 6, 1730—1.

An Act for the better prevention of accidents that may happen by fire in the city of Philadelphia, by Bake-houses and Coopers' shops.—1 Smith, 194.

1. SECT. I. For the further securing the inhabitants of the city of Philadelphia from the dangers that may happen by fire, *Be it enacted*, that from and after the space of sixteen months, next ensuing the publication of this act, no person whatsoever, within the said city, by himself, his agents, journeymen, or servants, shall occupy the trade of a cooper or baker, but in such shops or places as are built in the manner herein respectively directed and appointed: that is to say, That no person, after the time aforesaid, shall occupy the trade of a cooper, within the said city, but in a shop or place built of brick or stone, with a large chimney in the same, the ceiling thereof plastered, no stairs nor passage up the loft within such shop, and the floor thereof to be earth, or laid with good two-inch oak plank. And that no person after the time aforesaid, within the said city, shall occupy the trade of a biscuit or soft-bread baker, but in a bake-house built of brick or stone, and arched over with brick, if the place will admit thereof, or otherwise to be well ceiled with plastering; the floor of the said bake-house paved with brick or stone; the crown of the oven to be secured by carrying up the foundation walls square, and filling the same with gravel or sand, at least six inches higher than the top of the oven; and the chimney to be arched in the said bake-house, without any timber in or near adjoining to the same.

2. SECT. II. If any person or persons, from and after the time aforesaid, shall presume, by themselves, their agents, journeymen, or ser-

vants, to occupy the trade of a cooper, or biscuit or soft-bread baker, or either of them, within the city aforesaid, in any shop or place, other than is above directed, enjoined and appointed, every person so offending, for every month he, she or they, shall occupy the trades of baker or cooper, or either of them, in any shop or bake-house, contrary to the directions of this act, shall forfeit as herein after is provided; that is to say, for the first offence, the sum of twenty shillings; and for the second offence, the sum of thirty shillings; and for the third and every other offence, the sum of forty shillings; to be recovered, upon complaint made, in the name of the clerk of the market for the city of Philadelphia, or in the name of any other person who will give information of the same, for and towards the repair of fire engines, and purchasing leathern buckets, before two magistrates of the said city, whereof the mayor for the time being to be one.

3. SECT. III. *Provided always*, If any person or persons shall find him, her or themselves, aggrieved with any judgment or sentence of the said two magistrates, it shall and may be lawful for the person or persons, so aggrieved, to appeal to the next court of Common Pleas, to be held for the city and county of Philadelphia aforesaid, whose judgment therein shall be definitive.

Barrows, Handcarts and Handcarriages.

ORDINANCES.

Certain vehicles not to be placed or used on the footways,	1	Penalty on non-compliance,	6
Registering of wheelbarrows, &c.	2	No wheelbarrow used for hire to pass on pavements, except to or from a house,	7
Number to be placed or painted on them,	2	At what pace, and in what part of the streets to pass,	8
City clerk to enter owners' names and give certificates,	3	Width of load,	9
Liability of owners,	3	Stands to be designated,	10
Change of abode, or ownership,	4	Pavements not to be used as stands,	11
Annual entry and certificate, and fee therefore,	5		

[See Corporation, A. A. 34.]

Ordinance of October 1, 1811.

1. SECT. V. From and after the first day of November next, no person shall use or place upon any brick pavement or foot-way of the public streets, lanes or alleys within the city of Philadelphia, any wheelbarrow or other vehicle of any kind whatsoever, which shall have more than one wheel, or which having but one wheel, shall be of a greater width than two feet six inches, or of a greater length than seven feet: And every person who shall offend against the provisions of this ordinance, shall for each offence forfeit and pay the

Barrows, Handcarts, &c.

sum of three dollars, to be recovered with costs before the mayor or any alderman of the city. one half thereof to the use of the person suing for the same, and the other half thereof to the use of the mayor, aldermen and citizens of Philadelphia; *Provided always*, that nothing herein contained shall be construed to prevent the passing across the said footways to and from any dwelling-house, store, or other premises, of any such wheel-barrow or vehicle, the passing of which is not prohibited by any existing ordinance.

[*For the other sections of this ordinance, see Streets and Pavements.*]

Ordinance of February 25, 1819.

An Ordinance for the regulation of Public Porters and other persons using Wheelbarrows, Handbarrows, Handcarts and Handcarriages within the city of Philadelphia.

2. SECT. I. All wheelbarrows, handbarrows, handcarts and handcarriages used for hire in the transportation of goods, wares and merchandise within the city of Philadelphia, shall on or before the first day of April next, be registered in the office of the city clerk, in a book to be by him procured for that purpose, at the expense of the city, and that each wheelbarrow, handbarrow, handcart or handcarriage so registered, shall be numbered with a number corresponding with its register, which number shall be in large figures, not less than two inches in length, and of a conspicuous colour, placed or painted on the part of said barrow or carriage, most exposed to the public view, and the numbers thereof shall go on progressively, beginning with number one.

3. SECT. II. The said city clerk shall insert in the book in which the said barrows or carriages shall be numbered, the name of the owner or proprietor thereof together with his place of abode, and shall deliver to the said owner or proprietor thereof a certificate, stating that the entry of said barrow or carriage (as it may be) was made according to law, and inserting in such certificate the number of the same, according to the registry thereof, and describing the residence of such owner or proprietor. And the said owner or proprietor of such barrow or carriage at the time of its registry as aforesaid, and the person or persons using the same or either of them, shall be liable for all penalties which may be incurred for the breach of any of the provisions of this ordinance, as well as to all damages which any person or persons may sustain by the misconduct of the person or persons driving or carrying such barrow or carriage, which responsibility shall continue, so long as the said barrow or carriage shall continue registered in the name of the said owner or proprietor thereof.

4. SECT. III. It shall be the duty of every person or persons who may enter or register such barrows or carriages as are herein before mentioned, to make report to the said city clerk as often as he, she, or they may change their place or places of abode, or may sell or

transfer their said barrow or carriage, which report shall by the said city clerk be entered in the margin of the registry of said barrow or carriage. And the certificate originally given by the city clerk of such registry shall be destroyed and another given to such new owner thereof stating the place of residence of such new owner or proprietor.

5. **SECT. IV.** It shall be the duty of every owner or proprietor of any wheelbarrow, handbarrow, handcart or handcart, intended to be used for hire, to make a fresh entry thereof in the office of the city clerk, during the month of April in every year. And it shall be the duty of the said city clerk on such annual entry thereof to issue new certificates therefor, as is herein before described; and for the original entry thereof, and for each annual entry thereof, afterwards made, the owner or proprietor of such barrow or carriage shall pay to the said city clerk, for the use of the city, fifty cents, and that no other charge or demand of money shall in any case be made by the said city clerk for any alteration or renewal of any certificate to be by him issued, or for any new entry or alteration of the registry of such barrow or carriage, during the year in which said certificate shall be in force.

6. **SECT. V.** If any person or persons, owners or proprietors of such wheelbarrows, handbarrows, handcarts or handcarriages as are herein before mentioned and described, shall refuse or neglect to make a proper entry thereof in the office of the said city clerk as is herein before directed, or shall make a false or untrue entry or description thereof, or shall falsely describe his, her or their places of abode, or shall not report to the said city clerk whenever he, she or they may change his, her or their places of abode as is herein before directed; or shall alter or deface or permit or suffer to be altered or defaced the number on his barrow or carriage without immediately replacing the same, he, she, or they so offending, shall for every such offence, pay the sum of three dollars, one half for the use of the city and the other half for the use of any person who may inform and cause the said offender or offenders to be convicted thereof; which sum, together with the costs of suit, shall be recovered before the mayor, or any alderman of the city, in the same manner as debts under one hundred dollars are by law recoverable.

7. **SECT. VI.** No wheelbarrow, handbarrow, handcart or handcart, used for hire or pay, in the transportation of articles within the city of Philadelphia, shall be permitted, from and after the first day of April next, to pass on any of the paved foot paths or side walks of the city, excepting when prevented by the depth of snow in the streets, or other unavoidable causes rendering the passage therein impracticable, unless for the purpose of passing to or from any house, store, or yard, into or out of any street, lane, or alley; and any person or persons using the same, shall, in passing through the streets, lanes, or alleys of the city, keep with the right hand

nearest to the curb stone or gutter, and the said person or persons using or driving said barrows or carriages, as above described, shall, wherever it may be necessary to *cross the said street, lane, or alley, do so in a direction* as nearly opposite to the house, or place to which said person or persons are going, as is practicable, and the person or persons offending against any of the provisions of this section, shall for each offence pay the sum of two dollars, to be recovered with costs of suit, before the mayor, or any alderman of the city, for the use of the city.

8. SECT. VII. In no case shall the person or persons driving or carrying any wheelbarrows, handbarrows, handcarts, or hand carriages, whether for hire or otherwise, pass along any of the streets, lanes, or alleys of the city, faster than a walking pace, and in all cases where it is practicable, they shall drive or carry the said barrow or carriage, within three feet of the curb stone or gutter, where there is no curb stone, measuring from the centre part of the said barrow or carriage, under the penalty of two dollars, to be recovered with costs of suit, as is herein before directed.

9. SECT. VIII. The load or burthen placed or carried on any wheelbarrow, handbarrow, handcart, or handcarriage, upon or along the paved foot paths or side walks of the city, shall not extend in width or breadth more than four feet, measuring from the extreme points of such load or burthen, under the penalty of two dollars, with costs of suit, to be recovered before the mayor or any alderman of the city, from the owner or proprietor of said barrow or carriage, or the person using the same.

10. SECT. IX. All wheelbarrows, handbarrows, handcarts, or handcarriages, within the city of Philadelphia, and standing in the streets thereof, for hire, shall be placed in such parts thereof, as shall be by the city commissioners designated as stands for such carriages or barrows, and the said barrows and carriages shall be placed in conformity to such regulations, while on the said stands, as may be by the said city commissioners directed and prescribed. And it shall be the duty of the commissioners to nominate and fix as many places in different parts of the city, as they may deem necessary, as stands for such barrows and carriages, and advertise and give public notice of the places so fixed for the purpose aforesaid, and if any porter or other person, using such barrow or carriage, shall not comply with the order and directions, publicly declared and advertised by the said city commissioners, for the regulation of said barrows and carriages, while on said stands, the person or persons so offending, shall pay the sum of one dollar for every such offence, to be recovered with costs of suit, before the mayor or any alderman of the city, as is herein before directed.

11. SECT. X. No wheelbarrow, handbarrow, handcart, or hand carriage, shall at any time, within the city, occupy the pavement or foot way as a stand, but when unemployed, shall remain without the

curb stone; and in case any porter or porters shall place any of the aforesaid vehicles on the foot way, with a view to occupy it as a stand, he or they shall forfeit the sum of one dollar, to be recovered, on due conviction, before the mayor or any alderman of the city, as herein before directed.

Births.**ACT OF ASSEMBLY.**

Provision for registry of births, 1

Act of March 27th, 1819.

An Act to vest a certain burying ground in the Board of Health, and to provide for registering the births of children, in the city of Philadelphia and its vicinity.

1. SECT. II. It shall be the duty of all persons who may pursue or practice midwifery in the city of Philadelphia, in the incorporated part of the Northern Liberties, in the township of Penn and the districts of Southwark and Moyamensing, between the first day of March and the first day of April annually hereafter, to leave their names in writing and the places of their residence, at the office of the board of health; and when so left, it shall be the duty of the clerk to receive and enter the same, alphabetically, in a book to be kept for that purpose, which shall be open at all times during office hours, to persons desirous to inspect the same. And all persons pursuing or practising midwifery as aforesaid, shall keep a true and exact register of the births that take place under their care and superintendence: and shall from time to time as they may happen, enter the same with the sex of the child so born, on a blank schedule, to be furnished to them by the clerk of the health office; which schedule shall be signed with the name of such person and delivered on the last Saturday of each month, to the clerk of the health office, or other person calling for the same; and every person pursuing or practising midwifery, neglecting or refusing to leave their names and places of residence at the health office as aforesaid, or to perform any other of the duties required by this act, shall forfeit and pay for each offence the sum of twenty-five dollars, to be recovered in the manner and for the uses prescribed in "An act for establishing a health office. and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes."

Board of Health.**ACT OF ASSEMBLY.**

Election of Board of Health, 1

Act of January 29th, 1818.

An Act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes.

1. SECT. I. From and after the first Monday in March next, a board of health shall be established, in the manner hereinafter directed, which shall be, and hereby is, erected into a body corporate in deed and in law, by the name, style and title of "The Board of Health;" who shall have perpetual succession, and enjoy all and every the rights, liberties and privileges, powers, authorities and immunities, incident or belonging to a corporation or body politic; and by that name, may take and hold all the estate, real and personal, now vested in the present board of health, and shall moreover have and exercise the powers and authorities hereinafter mentioned, that is to say, The members of the board of health shall be eleven, who shall serve without compensation or emolument, and shall be appointed in the manner following, to wit: The Select and Common Councils of the city of Philadelphia, in a joint meeting, to be held on the afternoon of the second Monday in March annually, between the hours of two and six o'clock, shall elect by ballot, six citizens, who shall be taxable inhabitants of the said city; and the commissioners of the incorporated part of the Northern Liberties, shall annually on the same day, and between the same hours, elect by ballot, two citizens, who shall be taxable inhabitants of the said district; and the commissioners of Penn township, shall annually on the same day, and between the same hours, elect by ballot, one citizen, who shall be a taxable inhabitant of the said district; and the commissioners of the district of Southwark, shall annually on the same day, and between the same hours, elect by ballot, one citizen, who shall be a taxable inhabitant of the said district; and the commissioners of Moyamensing, shall annually on the same day, and between the same hours, elect by ballot, one citizen, who shall be a taxable inhabitant of the said township; who shall constitute the board of health, of which a majority shall be a quorum. And in case the appointments hereby directed, should not take place on the day specified, they may be made on any other subsequent day prior to the third Monday in March, between the same hours. And the number of years for which any individual may be eligible as a member of the board of health, shall not be limited; and in case of the removal, death, sickness, resignation, inability, or refusal to serve, of any of the said board, their places shall be supplied by other appointments, to be made by the same authority which appointed the individuals by whose delinquency the vacancies shall be occasioned.

Bread and Flour.

9

ACTS OF ASSEMBLY.

Penalty on adulterating flour,	1	Loaf bread to be sold by weight,	3
Clerks of Market to have assize of bread, beer, &c.	2	Bakers to keep scales and weights,	3

Act of March 18th, 1775.

An Act to regulate the assize of bread, and for other purposes thereinmentioned.—1 Smith, 425.

1. SECT. VII. If any person or persons shall adulterate or mix any improper or unwholesome ingredient in any kind of flour, of which bread shall be made for sale as aforesaid, every such person or persons, being thereof legally convicted before any magistrate or justice of the city, borough, or county, where such bread shall be so made, sold, or exposed to sale, who is hereby authorized and empowered to hear, try, and determine the same, shall forfeit and pay the sum of five pounds for every such offence.

Act of March 11th, 1789.

2. SECT. XXXVIII. It shall and may be lawful for the mayor of the said city to nominate, and from time to time, to appoint one or more clerk or clerks of the markets, who shall have assize of bread, wine, beer, wood, and other things, within the said city, and shall do and perform all things belonging to the office of clerks of the markets, within the said city.

Act of April 1st, 1797.

An Act to regulate the manner of selling loaf-bread, and to repeal certain existing laws respecting the same.—3 Smith, 294.

3. SECT. II. From and after the first day of May next, all loaf-bread made for sale, within this commonwealth, shall be sold by the pound avoirdupois, and every baker or other person, offering the same for sale, shall keep at his or her house, or at such other place at which he or she shall at any time offer or expose for sale, any such bread, sufficient scales and weights, lawfully regulated, for the purpose of weighing the same; and if any baker or other person shall, from and after the first day of May next, sell or offer for sale, any loaf-bread, in any other manner, the contract respecting the same shall be void, and the person offending against this act shall, on conviction, forfeit and pay the sum of ten dollars for every such offence, one half to the use of the informer, and the other half to the use of this commonwealth; and it shall be the especial duty of the clerk of the market, in any place where such officer is appointed, to discover and prosecute all persons offending against this act.

B

ACT OF ASSEMBLY.

Corporation are authorised to regulate brokers,

1

ORDINANCE.

Mayor to grant licenses to pawn-brokers, recoverable in certain cases,	1	To keep register,	5
Price,	1	Rate of interest,	6
Persons licensed to give bond,	2	To give information in cases of lost or stolen goods,	7
Penalty for acting without license,	3	Pledges redeemable within a year,	8
Not to receive pawns from certain persons,	4	How to be sold,	9

Act of March 11, 1789.

An Act to incorporate the city of Philadelphia.—2 Smith, 479.

1. **SECT. XXXVII.** It shall and may be lawful for the [mayor, or recorder, aldermen, and common councilmen, in common council assembled,] from time to time, to permit and license such and so many brokers within the said city, and under such rules and regulations as they may think proper; and to prohibit all other persons from using or exercising the business of a broker therein, under such pains and penalties, as shall, from time to time, be ordained and established in manner aforesaid.—[*The whole legislative power of the Corporation vested in the Select and Common Councils.—See Corporation, A. A. 40.*]

ORDINANCE.

Ordinance of July 9, 1821.

An Ordinance to license and regulate pawnbrokers.

1. **SECT. I.** The mayor of the said city may, from time to time, give and grant licenses, under his hand and seal, to such persons as shall produce to him satisfactory evidence of their good character, to use, exercise, or carry on the trade or business of a pawnbroker; which said licenses shall continue in force until the first day of the month of January following, unless sooner revoked by the mayor, which he is hereby authorized to do, on legal conviction of a violation of the provisions of this ordinance, and no longer: and that each person to whom such license shall be given, shall pay therefor the sum of fifty dollars, for any period commencing prior to the first day of July, and the sum of twenty-five dollars for any period commencing thereafter, in any year, for the use of the city.

2. **SECT. II.** Every person who shall be licensed as aforesaid, shall, at the time of receiving the said license, enter, with two sufficient sureties, into a joint and several bond, in the penalty of five hundred dollars, conditioned for the observance of this ordinance, and such further ordinances as may be made by the councils in the premises, and of the laws of the state of Pennsylvania, relating thereto.

3. **SECT. III.** No person or persons shall use, exercise, or carry on the trade or business of a pawnbroker, without having first obtained such license as aforesaid, or after the revocation thereof, under the penalty of one hundred dollars for each and every such offence, to be sued for and recovered with costs, before the mayor, recorder, or any alderman of the said city, as debts not exceeding one hundred dollars are by law recoverable; one half whereof shall go to the use of the city, and the other half to the use of the person who shall inform, and sue for and recover the said sum.

4. **SECT. IV.** No pawnbroker shall receive, by way of pledge or pawn, any goods, articles, or thing, from any minor, apprentice, or servant, under the penalty of fifty dollars, to be sued for, recovered, and appropriated, in the manner hereinbefore mentioned.

5. **SECT. V.** Every pawnbroker shall keep a book, in which shall be fairly written, at the time of each loan, an accurate account and description of the goods, articles, or thing pawned; the sum loaned thereon; the date of the loan, and the name and residence of the person pawning or pledging the said goods, articles, or thing; which entry shall be regularly numbered: and the said pawnbroker shall deliver to the said person pawning or pledging the said goods, articles, or thing, a certificate, duplicate, or note, signed by him, and numbered to correspond with the number in his book of original entry; and which shall contain the substance of said entry: and the person so pawning or pledging any goods, articles, or thing, shall renew monthly said certificate, duplicate, or note: and every pawnbroker who shall neglect to make such entry, and deliver such certificate, shall forfeit and pay the sum of fifty dollars, to be sued for, recovered, and disposed of, in the manner hereinbefore mentioned.

6. **SECT. VI.** No pawnbroker shall ask, demand, or receive, a greater rate of interest than six per centum per annum: and, in addition thereto, he is authorized and permitted to demand and receive, for each certificate, duplicate, or note, according to the following rates, viz.

For each duplicate or note, for all sums not exceeding one dollar, three cents.

For each duplicate or note, for all sums more than one, and not exceeding three dollars, six and a quarter cents.

For each duplicate or note, for all sums more than three, and not exceeding five dollars, nine cents.

For each duplicate or note, for all sums more than five, and not exceeding ten dollars, fifteen cents.

For each duplicate or note, for all sums more than ten, and not exceeding twenty dollars, twenty-five cents.

For each duplicate or note, for all sums more than twenty, and not exceeding fifty dollars, thirty-seven and an half cents.

For each duplicate or note, for all sums more than fifty, and not exceeding one hundred dollars, fifty cents.

And should the person who has pawned or pledged any goods, ar-

titles, or thing, neglect or refuse to renew his certificate, duplicate, or note, each and every month, as is provided, then, when the said goods, articles, or thing, may or shall be redeemed or sold, as is hereafter provided, the pawnbroker shall be entitled to demand and receive the monthly charges or rates above mentioned, for the time that the said goods, articles, or thing, have or has remained in pawn or pledge. And any pawnbroker, who shall demand or receive any higher rate of interest or charges than is herein provided, shall forfeit and pay the sum of one hundred dollars, to be sued for, recovered, and disposed of, in the manner hereinbefore mentioned.

7. SECT. VII. If any goods, articles, or thing, which shall be advertised in a public newspaper, printed in this city, as having been lost or stolen, and which goods, articles, or thing, shall then be or thereafter come into the possession of any pawnbroker, he or she shall, immediately thereafter, give information in writing, at the mayor's office, that certain goods, articles, or thing, answering to the description of the said advertised goods, articles, or thing, are in his or her possession, and shall also state from whom the same were or was received, under the penalty of one hundred dollars for each and every such neglect or offence, to be sued for, recovered, and disposed of, in the manner hereinbefore mentioned.

8. SECT. VIII. No pawnbroker shall sell any goods, articles or thing, pawned or pledged, until the same shall have remained twelve months in his or her possession; within which time, such goods, articles, or thing, shall be delivered, on application made by the owner thereof, or his or her legal representative, provided such applicant shall surrender the duplicate, certificate, or note, and pay the sum originally loaned, with the interest and charges that may have accrued thereon. And such goods, articles, or thing, that shall remain unredeemed at the expiration of the time before mentioned, shall be sold at public auction, and not otherwise, after five days' notice of the time and place of sale, and the kind of goods, first given in one or more public newspapers, printed in the said city; and the surplus money, if any, arising from the said sale, after deducting the amount of the loan, the interest and charges then due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker to the person who would have been entitled to redeem the pledge, in case no such sale had taken place. And if any pawnbroker shall be guilty of any offence in violating the provisions of this section, such pawnbroker shall forfeit and pay for every such offence, the sum of fifty dollars, to be sued for, recovered, and disposed of, in the manner hereinbefore mentioned.

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ACTS OF ASSEMBLY.

Act of February 18th, 1769.—1 Smith, 297.

[For the other sections of this Act, which are in force, see Privies, Culverts, Nuisances, and Streets and Pavements.]

1. SECT. XXXI. Whereas the paving the streets of Philadelphia hath been attended with great expense to the inhabitants thereof, and it is necessary that due care be taken to preserve the pavement already made, and those which shall hereafter be made, from any and every avoidable and unnecessary injury.

And whereas nothing can be more destructive to pavements of any kind, and particularly to those newly made, than the carrying large and excessive weights and burthens in carriages, the felloe of the wheels whereof are of small breadth, whereby the stones of such pavements are loosened and torn up, and the pavements themselves in a great measure ruined and destroyed: For remedy whereof, *Be it enacted*, that no wagon, wain or cart whatsoever, belonging to any person or persons whatsoever, residing or inhabiting within the said city of Philadelphia, or within the Northern Liberties thereof, or within the district of Southwark, or the townships of Moyamensing or Passyunk, shall travel, pass, or be drawn on any of the paved parts of the said city, with any greater number of beasts of draught than three, if a four-wheel carriage, and if a two-wheel carriage, with any greater number of beasts of draught than two, unless the felloe of such wheels shall be of the breadth or gauge of four inches from side to side at the least; and that no such wheel carriage, belonging to persons residing in the places aforesaid, shall travel, pass, or be drawn in the said city, with or by any number of oxen or horses whatsoever, unless the felloe of the wheels thereof shall be of the breadth or gauge of four inches from side to side at the least (carts with one horse, stage, and light travelling wagons for passengers, excepted;) and that every owner or owners of such wheel carriage, which shall pass or be drawn in the said city, contrary to the directions, tenor, true intent, and meaning of this act, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered as debts not exceeding five pounds are by law directed to be recovered, or otherwise shall forfeit any one of the beasts of draught drawing such wheel carriage, (excepting the shaft or thill horse) together with the gears, bridle, halter, and other accoutrements to such beast of draught belonging. [*Altered as respects the wheels of wagons owned by persons residing in specified places, holding land in the said district or townships.—Post. A. A. 9.*]

2. SECT. XXXIII. The person or persons making such seizure or distress as aforesaid, shall deliver the horse or ox so seized and distrained, with the accoutrements aforesaid, into the custody of some one of the constables of the said city; and every such constable is hereby required to take and receive, and safely keep the same, till the person or persons making such seizure or distress shall make proof, on oath or affirmation, before some justice or justices of the said city, of the offence committed; and the said justice or justices, before whom such proof shall be made to their satisfaction, is and are hereby empowered and required to issue his or their precept to such constable, to sell and dispose of the beast so forfeited, with the accoutrements aforesaid, at public auction or vendue, first giving due notice of such sale; and the money arising therefrom the said constable shall pay, one moiety thereof to the party or parties so seizing or distraining the said beast, and the other moiety to the said commissioners, to be applied towards paving the said streets, after deducting from the whole such reasonable charges as the said

justice or justices shall allow or direct; but in case no such proof shall be made within twenty-four hours next after such seizure, that then such beast shall be returned to the owner or owners thereof, without any costs or expenses.

3. SECT. XXXIV. If any person or persons shall hinder, prevent or obstruct the measuring or gauging of the felloes of such wheels, or the seizing or distraining of any horse or beast of draught, hereby directed to be forfeited, or shall use any violence to any person or persons who shall attempt to measure and gauge the said felloes, or to seize or distrain such beast as aforesaid, every such person or persons so offending shall, for every such offence, forfeit and pay the sum of ten pounds, being thereof legally convicted in any court of Quarter Sessions of the peace in and for the said city.—[*Mayor's Court invested with authority to try all such offences as would be cognizable in any county Court of general Quarter Sessions of the peace.—See Corporation, A. A. 16.*]

4. SECT. XXXV. *Provided always nevertheless*, That if it shall appear that the felloes of such wheels were originally made of the full breadth prescribed and directed by this act, and to have become less by the wear or use thereof, except the same shall be less than three inches and one half wide, the penalties and forfeitures hereby imposed on the owner or owners thereof shall not be incurred, nor the same recovered in manner aforesaid, or in any other manner whatsoever.

5. SECT. XXXVI. *Provided also*, That nothing in this act contained shall be deemed, held or construed, to debar or prevent any person or persons residing within the said city, district or townships, from transporting in his, her or their wagon, wain or cart, for his, her or their own proper use, and not for hire, any matters or things whatsoever with two beasts of draught only (except stones, bricks, lime, loam, sand, gravel, iron, lead, cordwood, coal, scantling, timber and boards) provided such matters and things do not exceed in any one load half a ton weight, on or through any of the paved parts of the said city, and with any greater number of beasts of draught, within or through any other parts of the said city, not paved, although the felloes of the wheels of such wagon, wain or cart, be not of the dimensions aforesaid, any thing in this act contained to the contrary notwithstanding.

6. SECT. XXXVII. No dray or other carriage used for the transportation of merchandise from one part of the city to another, by any porter or drayman, shall travel, pass, or be drawn on the paved parts of the said city, unless the felloes of the wheels of such dray, or other carriage, shall be of the breadth or gauge of four inches, at the least, from side to side, under the penalty of five pounds, to be paid by the owner of such dray or other carriage, and to be recovered as debts not exceeding five pounds are directed by law to be recovered; one moiety thereof to the person who shall sue for the same, and the other moiety thereof to the commissioners for cleansing and paving the streets, to be applied to the paving of the same.

7. SECT. XXXVIII. Every wagoner and carter, employed to haul wood for the inhabitants of the said city, district of Southwark and townships aforesaid, shall have in his said wagon or cart, of his own property, a sufficient number of hewn standards, for preventing the wood from falling off from his carriage, marked with the initial letters of his christian and surname, on the outer side of the said standards, under the penalty of five shillings; and if any wagoner or carter shall take and appropriate any wood belonging to any of the inhabitants aforesaid, which he shall be hired to haul, and shall apply or appropriate the same to his own use, or shall not deliver it to the true owner or purchaser thereof, every such person so offending, shall forfeit and pay two shillings for every stick or piece of wood so appropriated or detained, to the owner or purchaser thereof, being first legally convicted of the said offence before any justice of the peace of the city or county of Philadelphia.

8. SECT. XXXIX. *Provided also*, That if any person or persons shall conceive him, her, or themselves, aggrieved by any judgment to be given by virtue of this act, if the same shall exceed the sum of forty shillings, or the value thereof, it shall and may be lawful for such person or persons within the space of six days next, after the giving such judgment, but not after, to appeal therefrom to the next court of Common Pleas to be held for the said county, he, she or they first entering into recognizance, with at least one sufficient surety, in such a sum as shall be sufficient to answer the said penalty, or value of the thing forfeited, together with all such costs as shall be awarded, to prosecute the said appeal with effect, and to abide the order and judgment of the said court; which said court is hereby authorized and required to accept and receive the said appeal, and to proceed therein according to the usage and practice in cases of appeals for debts above forty shillings, and not exceeding five pounds.

Act of April 5, 1799.

An Act to repeal part of an Act, entitled "An Act for regulating, paving, pitching, and cleansing the highways, streets, &c."—3 Smith 370.

WHEREAS, the inhabitants of the Northern Liberties of the city of Philadelphia, the district of Southwark and the township of Moyamensing and Passyunk, and inhabitants of the city of Philadelphia, holding or possessing lands within the said district and township, are much aggrieved by the restrictions laid on the transportation of produce and manure, from or to their respective possessions, on or over the paved parts of the said city, by an act, entitled "An Act for regulating, pitching, paving, and cleansing the highways, streets, lanes and alleys, and for regulating, making and amending the water courses and common sewers, within the inhabited and settled parts of the city of Philadelphia, for raising of money to defray the expenses thereof, and for other purposes therein mentioned," passed the 18th day of February, 1769.—Therefore,

9. SECT. I. So much of the act as debars or prevents any person or persons residing within the Northern Liberties of the city of Philadelphia; the district of Southwark; the townships of Moyamensing and Passyunk; or within the city of Philadelphia, holding or possessing lands within the said District or Townships, from transporting in his, her or their wagons, wains or carts, for his, her or their proper use, any matters or things whatsoever, on or through any of the paved parts of the said city, unless the fellies of the wheels of such wagons or carts be of certain dimensions, and the loads thereon do not exceed a certain weight, is hereby repealed.

ORDINANCES.

Ordinance of January 18, 1790.

An ordinance for the suppression of nuisances and enforcing useful regulations within the city of Philadelphia.

1. If any driver, owner, or person having the ordering or superintendence of any cart, dray, wagon, stage or hackney-coach, stage wagon or other carriage, new or old, finished or unfinished, (other than carts or wagons coming from the country with produce) shall suffer the same to be and remain in any street, lane, or alley, in this city, more than two hours after the same shall have first been placed there, every such driver, owner, or person having the ordering or superintendence of such carriage, so suffered to remain in any street, lane, or alley, as aforesaid, shall forfeit and pay the sum of one dollar. *Provided*, that nothing herein contained shall be construed to interfere with any rules or regulations made or directed by the ordinance for regulating the markets in this city.

That all and every fine and fines imposed by this ordinance shall be recoverable, with costs of suit, by any person who shall sue for the same, before the mayor, recorder, or any alderman of the said city, and shall go, one moiety to the person or persons who shall sue for the same, and the other moiety for the use of the city.

Ordinance of June 14, 1790.

An ordinance for the regulation of the drivers of carriages and horses in and through the streets of Philadelphia.

2. WHEREAS frequent accidents have happened by the carelessness or perverseness of the drivers of carriages and horses in and through the streets, lanes, and alleys of the city of Philadelphia: For remedy and prevention thereof,

It is hereby ordained and enacted, &c. That from and after the

publication of this ordinance, all and every the drivers and driver of all coaches, chariots, caravans, wagons, phætons, chaises, chairs, solos, sleighs, carts, drays, and other carriages of burthen and pleasure, driving and passing in and through the streets, lanes and alleys of the city of Philadelphia, where there is room sufficient for two to pass, shall keep on that side of the street, lane or alley, on his or their right hands respectively in the passing direction.

3. If any driver of any such carriage shall drive said carriage in the middle of the street, or on the side of the way on his left hand, so as to prevent or obstruct another carriage from passing as aforesaid, every driver so offending shall forfeit and pay, for every such offence, the sum of [one dollar,] to be recovered, with costs, by any person who will sue for the same, before the mayor or any alderman of the city, in the same manner as debts under forty shillings are by law recoverable; one moiety of which forfeiture shall be for the use of him who shall sue for the same, and the other moiety shall go to the mayor, alderman and citizens of Philadelphia, for the use of the city.—[*Penalty raised to three dollars; post 27.*]

4. Whenever any such carriage as aforesaid shall have entered any street, lane, or alley in the city, where there is not room sufficient between the posts for two such carriages to pass, no other such carriage shall enter the same street, lane, or alley, in an opposite direction, to hinder or obstruct the passage of the first so entered, but shall remain in the adjacent street until the first shall with all diligence have passed through; and if any driver or other person shall offend in such case, so as to hinder the passage of the first carriage which shall have so entered, he shall forfeit and pay, for every such offence, the sum of [one dollar,] to be recovered, with costs, in the manner and for the uses herein before mentioned.—[*Penalty raised to three dollars; post 28.*]

Ordinance of June 14, 1790.

5. No person whatsoever shall sit or stand in or upon any such carriage, or on any horse or beast harnessed thereto, in order to drive the same, unless he shall have strong reins or lines fastened to the bridles of his beasts, and held in his hands, sufficient to guide them in manner aforesaid, and restrain them from running, galloping, or going at immoderate rates, through the said streets, lanes, or alleys; and that no person whatsoever, driving any such carriage, or riding upon any horse, mare or gelding, in or through the said city, shall permit or suffer the beast or beasts he shall so drive or ride, to go in a gallop or other immoderate gait, so as to endanger persons standing or walking in the streets, lanes, or alleys thereof; and all porters, carters, and other persons,

having the care of any such carriages passing through the said city, who shall not hold reins in their hands to guide and restrain their beasts in manner aforesaid, shall walk by the head of the shaft or wheel horse, holding or within reach of the bridle or halter of the said horse, in order to guide and restrain them in manner aforesaid; and every person wilfully or negligently offending in any or either of the cases aforesaid shall forfeit and pay for every such offence, the sum of [one dollar,] to be recovered, with costs, by any person, in the manner and for the uses herein before mentioned.—[*Penalty raised to three dollars; post 29.*]

6. If any person shall wilfully permit or suffer any horse, mare or gelding to go at large through the streets, lanes or alleys of the city, or any part thereof, and shall be thereof convicted before the mayor, recorder, or any alderman, every person so offending shall forfeit and pay, for every such offence, the sum of [one dollar,] to be recovered, with costs, by any person, in the manner and for the use herein before mentioned.—[*Penalty raised to two dollars; post 30.*]

7. No sleigh, sled, or carriage of pleasure or burthen going upon runners, shall be permitted to go or pass through the streets, lanes or alleys of the city, unless one or more bell or bells be fixed to the head of the horse or horses drawing the same, in order to give notice of their approach, under the penalty of forfeiting, for every offence, the sum of two dollars, to be recovered, with costs, by any person, in the manner and for the uses first herein above mentioned.

And the city commissioners are hereby authorised and required, within one month after the publication of this ordinance, and from time to time hereafter, as occasion may require, to appoint such and so many stands for draymen within the city as to them shall appear requisite, to some one or other of which stands so to be appointed all draymen shall repair, with their horses and drays, when unemployed: And in order that the passage along the streets may be as little interrupted thereby as may be,

8. Each and every drayman shall place his horse and dray lengthways, close to the posts in the streets in which he shall stand, and no more than one range of drays shall stand in streets not more than fifty feet wide, and not more than one range on each side in streets which are of a greater width than fifty feet. [*Post 11.*]

9. If any wagoner, carter, drayman, or porter, being at any of the aforesaid stands, or elsewhere in the streets, or on the wharves, with his horse or horses, and carriage or dray, and not employed in any actual service, shall refuse or neglect to do and perform any reasonable service in the line of his business as a carter or

drayman, at seasonable hours, when thereto required by any merchant or other person whatsoever, he or they so offending, shall forfeit and pay the sum of two dollars for every of the said offences, to be recovered and applied as other fines under forty shillings are imposed and applied in this ordinance.

10. If any wagoner, carter, drayman, or other driver of any carriage, sled or sleigh, for pleasure or burthen, shall stop or place any such carriage, sled or sleigh, at or near the intersection of any street, lane, or public alley, in such manner as to cross the foot-way or prevent foot-passengers from crossing the street, lane or public alley, in the direction and line of the foot-way, on the side of such street or public alley, and shall not immediately on the request of any foot-passenger, cause the same to be removed, or shall be absent therefrom, so that such request cannot be made, every person so offending shall forfeit and pay, for every offence, the sum of one dollar, to be recovered in the manner and for the uses herein first before mentioned.

Ordinance of May 22, 1797.

11. SECT. XV. The city commissioners shall [appoint proper persons to be corders of wood, at the different public wharves and landing places within the city; and shall also] appoint from time to time, as occasion may require, such and so many stands for draymen and hackney coachmen within the city, as to them shall appear requisite. [*Mayor to appoint corders; see Wood, &c.*]

Ordinance of April 16, 1812.

An ordinance for the regulation of the owners and drivers of hackney coaches, wagons, carts and drays, within the city of Philadelphia.

WHEREAS, from the increased number of hackney coaches, within the city of Philadelphia, it has become necessary to subject the owners and drivers of them to such regulations as may secure the citizens from injury by their misconduct, and prevent a violation of the ordinances of the corporation, or readily lead to a discovery of the offenders: and whereas also, the transportation of goods, wares, merchandises, hay, and other articles, has become a matter of great trust, and it is reasonable and necessary that some security should be provided for the owners of such articles, that carters, wagoners and porters, employed in transporting them, should perform their duty: and for this purpose, it is in the first place necessary that they should be easily discoverable, when guilty of any fraud or neglect—Therefore,

12. SECT. I. *Be it ordained and enacted, &c.* That from and after

the first day of June next, no owner of any hackney coach, or other carriage, employed in conveying or transporting any person or persons, and no owner of any wagon, cart, or dray, employed in the transportation of articles within the said city, for hire or pay, shall himself employ his carriage or carriages, wagon, cart or dray, or suffer it or them to be used or employed, by any person or persons, for the purpose aforesaid, within the said city, unless such hackney coach or carriage, wagon, cart or dray, be first numbered and entered in the manner herein after directed; and a certificate thereof be obtained from the city clerk, by such owner, in the manner herein after prescribed.

13. SECT. II. All hackney coaches or carriages, employed in conveying persons for hire or pay, within the said city, shall, on or before the first day of June next, be numbered with plain and conspicuous figures, at least [one inch] in length, painted on both of the doors of the said carriages; to begin with No. 1. and proceed to the extent of the number of such hackney coaches or carriages: and all wagons, carts and drays, employed in transporting articles, for hire or pay, within the said city, shall, on or before the said first day of June, be numbered with plain and conspicuous figures, of metal, well secured on the outside of the near shaft, not less than three inches in length: each carriage of the several last mentioned descriptions, to begin with No. 1, and so on progressively, to the extent of the number of such carriages. [*See post* 24, 25. 39.]

14. SECT. III. The city clerk shall keep a book, for the express purpose of entering and registering the names and places of abode, of the owner of every hackney coach, carriage, wagon, cart or dray, to be used for the conveying of persons, or transportation of articles within the said city, for hire or pay; and shall cause to be entered therein, under the head of each such separate description, the number of each such coach, carriage, wagon, cart and dray, beginning with No. 1, and going on progressively, and the name or names, and place or places of abode, of the owner or owners thereof, which entry shall be acknowledged by the signature of such owner or owners, with his or their proper hand or firm.

15. SECT. IV. The owner or owners of such hackney coaches, wagons, carts and drays, shall, on or before the said first day of June next, appear at the city clerk's office, and there enter his or their name or names, and place or places of abode, and the description of every such hackney coach, wagon, cart or dray, by him or them owned, and the number thereon to be affixed, in the book so to be kept for that purpose: which entry shall be acknowledged by the signature of such owner or owners, with his or their proper hand or firm.

16. SECT. V. Every such owner or owners shall, after having made such entry as aforesaid, receive from the city clerk a certificate thereof, stating the number of each carriage, wagon, cart or dray, so entered, and the place or places of abode of the owner or owners thereof: and the owner or owners of such hackney coaches, shall thereupon pay to the city clerk for the use of the city, for each hackney coach or carriage so entered by him or them, the sum of [five dollars;] and the owner or owners of such wagons, carts and drays, shall thereupon pay to the city clerk, for the use of the city, for each wagon, cart or dray, so by him or them entered, the sum [of two dollars.—*Fee of five dollars for carriages, reduced to two dollars, and fee of two dollars for carts, to one dollar; post 20, 22.*]

17. SECT. VI. The owner or owners of such hackney coaches, or carriages, wagons, carts or drays, shall annually, between the first and tenth days of June, appear at the office of the city clerk, and take out a new certificate of their carriages, wagons, carts and drays respectively, having been entered agreeably to the provisions of this ordinance; for which certificate they shall respectively pay to the city clerk, [the respective sums before mentioned,] for the use of the city.—[*Annual fee reduced to fifty cents; post 22.*]

18. SECT. VII. It shall be the duty of every owner of such hackney coach or carriage, wagon, cart or dray, who after having entered the same, shall change his place of abode, within ten days after his removal, to appear at the office of the city clerk, and state the place to which he has removed, and have his certificate altered accordingly; for which alteration no charge shall be made by the city clerk; and every such owner, removing as aforesaid, who shall neglect or refuse to comply with the provisions of this section, shall forfeit and pay the sum of ten dollars, to be recovered with costs, by any person who will sue for the same, before the mayor or any alderman of the city, in the same manner as debts under one hundred dollars are by law recoverable; one moiety thereof shall be for the use of the person who shall sue for the same, and the other moiety the mayor or alderman, before whom the suit is brought, shall receive and pay to the city treasurer, for the use of the city.

19. SECT. VIII. If any person shall make, or cause, or procure to be made, a false entry of any such hackney coach, or carriage, wagon, cart or dray, either in the number or owner, or place of abode of such owner, or after a true entry, shall alter the number of his coach, carriage, wagon, cart or dray, or alter the certificate granted by the city clerk (except in case of removal, in the manner above mentioned) or shall forge or cause to be forged or counter-

feited, any such certificate, every person so offending, shall for every such offence, forfeit and pay the sum of thirty dollars, to be recovered with costs, by any person that will sue for the same, in the manner, and for the uses herein before mentioned.

20. SECT. IX. From and after the said first day of June, no person whatsoever shall be entitled to demand, recover, or receive any hire, pay, or reward, for the conveyance of any person or persons, or for the transportation of any articles whatever, within the said city, unless the carriage, wagon, cart or dray, wherein the same were conveyed or transported, be numbered and entered in the manner herein before directed, and a certificate thereof obtained by the owner or owners; and every person who, after the said first day of June, shall own or drive any hackney coach, or other carriage employed in conveying persons, or any wagon, cart or dray, employed in transporting articles within the said city for hire or pay, without having the coach or carriage, wagon, cart or dray, used by him for that business, duly numbered and entered in the manner herein before prescribed, or without having obtained a certificate thereof from the city clerk, such owner and driver, as often as such hackney coach or carriage, [wagon, cart or dray,] shall be in any of the streets, lanes or alleys, carrying, or ready to carry, for hire or pay, shall, for every such offence, severally forfeit and pay the sum of ten dollars, to be recovered with costs, by any person that will sue for the same, in the manner and for the uses herein before mentioned.—[*Penalty reduced to five dollars as to wagons, drays and carts; post 37.*]

21. SECT. X. If any hackney coachman, wagoner, carter, drayman or porter shall, when he is not actually employed, keep his horse or horses, coach, carriage, wagon, cart or dray standing in any other part of the streets, lanes or alleys of this city, than those which are, or shall be appointed for them as stands, by the city commissioners, or when at those stands, shall not place and range his horse or horses, coach, carriage, [wagon, cart or dray,] in the manner which is, or shall be, prescribed by ordinance, or directed by the city commissioners, every such person shall, for every such offence, forfeit and pay the sum of [five dollars,] to be sued for, recovered, and applied in the manner before mentioned. [*Penalty reduced to two dollars, post 23; further reduced, as to wagons and carts, to one dollar; post 36.*]

XI. The ordinance, entitled "A supplement to an ordinance, entitled an ordinance, for the regulation of drivers of carriages in and through the streets of Philadelphia," passed the second day of July, 1792, and such parts of any other ordinance, as are hereby altered and supplied, are hereby repealed and made void.—[*This ordinance declared not to extend to carriages not sent upon public stands, and other regulations made for such; post 31*

—33. *The owners of wagons, carts or drays, not residing in the city, and citizens of Philadelphia generally standing in the District of Southwark for hire, exempt too from the penalties of this ordinance under certain conditions; post 34.]*

Ordinance of June 18, 1812.

An ordinance to alter and amend the ordinance entitled "An ordinance for the regulation of the owners and drivers of hackney coaches, &c.

SECT. I. [Temporary & obs.]

22. SECT. II. The payment of the sum of five dollars, required by the fifth section of the said ordinance, to be made upon the entry and registry of every hackney coach, shall be, and the same is hereby reduced to the sum of two dollars, and the sum of two dollars required to be paid upon the entry and registry of every cart, wagon, or dray, shall be, and the same is hereby reduced to one dollar, and the payment required to be made by the sixth section of the said ordinance upon the annual registry of every hackney coach shall be fifty cents, and upon every cart, wagon, or dray, fifty cents.

23. SECT. III. The penalty to be inflicted for the several offences enumerated in the 10th section of the said ordinance, shall be the sum of two dollars in lieu of the sum of five dollars therein mentioned; and the said penalty shall not be construed to extend to, or be enforced against the owners or drivers of any coach, carriage, wagon, cart or dray, in consequence of the same being left in any of the streets, lanes or alleys of the city, other than the stands assigned, whilst such owner or driver may be actually engaged in the receipt, transportation or delivery of persons, goods, or effects, in the usual course of employment.

24. SECT. IV. The numbers directed by the said ordinance, to be painted upon hackney coaches, shall be painted on, or affixed to the outside of both the doors of such hackney coaches, respectively. [Post 39.]

Ordinance of February 9, 1815.

An ordinance to alter and amend an ordinance for the regulation of the owners and drivers of hackney coaches, wagons, carts, and drays, within the city of Philadelphia, and also for other purposes.

25. SECT. I. All hackney coaches or carriages, employed in conveying persons for hire or pay, within the city of Philadelphia, shall, on or before the first day of May next, be numbered with plain and conspicuous figures, in the centre of the pannel on the outside of each door, and every person who shall, after the said first day of May, own or drive any hackney coach or other carriage employed in conveying persons as aforesaid, without having

such hackney coach or carriage numbered in the manner before described, shall, for every such offence, forfeit and pay the sum of five dollars, to be sued for and recovered with costs, before the mayor, recorder, or any alderman of the said city, one half thereof to the use of the person suing for the same, and the other half for the use of the city.—[*Post* 39.]

26. SECT. II. The city commissioners are hereby authorized and required, within twenty days after the publication of this ordinance, and from time to time hereafter, as occasion may require, to appoint such and so many stands for the drivers of sleighs, sleds, or other carriages going upon runners, employed in conveying persons for hire or pay, within the said city, as to them shall appear requisite, to some one of which stands they shall repair with their sleighs, sleds, or other carriages going upon runners, and if any owner or driver of such carriages shall, when he is not actually employed, keep his horse or horses, sleigh, sled, or other carriage going upon runners, standing in any other part of the streets, lanes, or alleys, of this city, than those which are or shall be appointed for them as stands by the city commissioners, or when at those stands shall not range and place their horse or horses, sleigh, sled, or other carriage going on runners, in the manner which is or shall be prescribed by ordinance, or directed by the city commissioners, every such person shall for such offence forfeit and pay the sum of five dollars, to be sued for, recovered, and applied in the manner before mentioned.

SECT. III. The ordinance entitled an ordinance for the regulation of the owners and drivers of hackney coaches, wagons, carts, and drays, within the city of Philadelphia, passed the sixteenth day of April, 1812, so far as the same is herein altered and supplied, is hereby repealed and made void.

Ordinance of February 9, 1815.

An ordinance to alter and amend an ordinance entitled an ordinance for the regulation of the drivers of carriages and horses in and through the streets of Philadelphia.

27. SECT. I. The penalty to be inflicted under the second section of the ordinance entitled an ordinance for the regulation of the drivers of carriages and horses in and through the streets of Philadelphia, passed the 14th June, 1790, for the several offences enumerated in the first and second sections of the said ordinance, shall be the sum of three dollars, in lieu of the sum of one dollar therein mentioned.

28. SECT. II. The penalty to be inflicted for the offence described in the third section of the said ordinance, shall be the sum of three dollars, in lieu of the sum of one dollar therein mentioned.

Carriages, &c.

29. SECT. III. The penalty to be inflicted for the offences described in the fourth section of the said ordinance, shall be the sum of three dollars, in lieu of the sum of one dollar therein mentioned.

30. SECT. IV. The penalty to be inflicted for the offence described in the fifth section of the said ordinance, shall be the sum of two dollars, in lieu of the sum of one dollar therein mentioned.

SECT. V. The ordinance entitled ~~an ordinance~~ an ordinance for the regulation of the drivers of carriages and horses in and through the streets of Philadelphia, passed the 14th June, 1790, so far as the same is herein altered and supplied, be, and the same is hereby repealed and made void.

Ordinance of March 19, 1816:

An ordinance supplementary to the ordinance entitled "An ordinance for the regulation of the owners and drivers of hackney coaches, &c."

31. SECT. I. Neither the ordinance to which this is a supplement, nor that amendatory thereof, passed on the 9th day of February, 1815, shall be held or construed to extend to coaches or carriages, which, though kept for hire, are not upon any occasion sent by their proprietors upon public stands for carriages within the city, but which are only let for hire upon special application to the proprietors, and upon special agreement.

32. SECT. II. The owner and owners of all such carriages, shall, on the first day of June in each and every year, appear at the city clerk's office, and there enter his or their name or names, and place or places of abode, and the description of every such carriage kept by him or them, in the clerk's register book of carriages, and every such carriage so entered shall have a number assigned thereto in said book—and for each and every carriage so entered, the owner or owners shall pay to the city clerk for the use of the city the sum of five dollars.

33. SECT. III. If any such owner shall omit to enter as aforesaid any or every carriage so by him kept for hire as aforesaid, he shall for every carriage so omitted to be by him entered, forfeit and pay the sum of ten dollars, to be recovered with costs by any person who will sue for the same in the manner and for the uses prescribed in relation to the penalties inflicted by the seventh section of the ordinance to which this is a supplement.

Ordinance of March 4, 1818.

A supplement to an ordinance, entitled, "An ordinance for the regulation of the owners and drivers of hackney coaches, &c."

34. From and after the first day of May next, the owner of any wagon, cart, or dray, who does not reside in the city of Phi-

Philadelphia, or any citizen of Philadelphia who generally stands in the district of Southwark for hire, be exempted from the penalties of the ordinance to which this is a supplement, provided he or they have their wagon, cart or dray numbered and registered in the district of Southwark, any restrictions in said ordinance to the contrary notwithstanding.

Ordinance of July 9, 1821.

35. **SECT. VIII.** The city commissioners are hereby authorized and required to appoint and prescribe, as soon as conveniently may be, and from time to time, as occasion may require, such and so many stands for wagons and carts, within the said city, as to them shall appear necessary; to which stand or stands, the owner or driver of any wagon or cart used for the conveyance of goods for hire or pay, within the said city, shall proceed with such wagon or cart, and horse or horses thereto attached, when the same are not employed.

Ordinance of July 9, 1821.

36. **SECT. IX.** If any owner or driver of any such wagon or cart, as aforesaid, shall keep his wagon or cart, when not employed, standing in any other part of the streets or alleys of the said city, than those prescribed as aforesaid, or, when at said stand or stands, shall not place or arrange his wagon or cart, and horse or horses thereto attached, in the manner directed by the said city commissioners, such owner or owners, or driver, shall forfeit and pay, for every such offence, the sum of one dollar.

37. **SECT. X.** If any person or persons shall own or drive any wagon, cart, or dray, employed in transporting articles within the said city, for hire or pay, without having the wagon, cart, or dray, used by him or them for that business, duly numbered and entered in the manner prescribed in the ordinance, entitled, "An ordinance for the regulation of the owners and drivers of hackney coaches, wagons, carts, and drays, within the city of Philadelphia," passed on the 16th day of April, 1812, or without having obtained a certificate thereof from the city clerk, as in the said ordinance directed, such owner or driver, as often as such wagon, cart, or dray, shall be in any of the streets, lanes, or alleys, of the said city, employed or ready to be employed as aforesaid, shall forfeit and pay, for every such offence, the sum of five dollars.

38. **SECT. XII.** Each and every fine, forfeiture, and penalty, imposed by this ordinance, not otherwise provided for, shall and may be sued for and recovered, with costs of suit, before the mayor, recorder, or any alderman of the said city; and one half of every such fine, forfeiture, or penalty, so recovered as aforesaid, shall be appropriated to the use of the said city, and the

Centre Engine House.

other half thereof shall belong and go to the use of the person who shall sue for and recover the same, in the manner aforesaid.

SECT. XIII. Each and every part of any ordinance, inconsistent with the provisions of this ordinance, is hereby repealed.

Ordinance of August 8, 1822.

A supplement to the ordinance entitled, "An ordinance to alter and amend an ordinance for the regulation of the owners and drivers of hackney coaches, &c."

39. *Be it ordained, &c.* That the figures with which hackney coaches or carriages are directed, by the ordinance to which this is a supplement, to be numbered, be at least two inches in length.

NOTE.

Driving a carriage through a crowded and populous street in the city, at such a rate or in such a manner as to endanger the safety of the inhabitants, is an indictable offence at common law, and amounts to a breach of the peace; and a constable is authorized without a warrant, to prevent the peace from being thus broken. *United States v. John Hart.* 1 Peters 390.

The act of congress, prohibiting the stoppage of the mail, is not to be so construed as to prevent the arrest of the driver of a mail carriage, when he is driving through a crowded city at such a rate as to endanger the lives of the inhabitants. *Ibid.*

Centre Engine House.

ORDINANCES.

Parts of the house to be let to the American Philosophical Society, for seven years

1

Lessees authorized to make certain alterations

2

Ordinance of December 26, 1817.

An Ordinance granting to the American Philosophical Society, held at Philadelphia, for promoting useful knowledge, the use of certain parts of the Centre Engine House, for an Astronomical Observatory.

1. SECT. I. The City Commissioners shall, from and immediately after the passing of this ordinance, demise and let to the American Philosophical Society, held at Philadelphia, for promoting useful knowledge, for and during the term of seven years from the execution of the said lease, for the yearly sum or rent of one dollar, to be paid at the expiration of each and every year, the hereinafter mentioned parts of the building at the Centre Square, known by the name of the Centre Engine House, to be used by

the said society as an Astronomical Observatory; that is to say, the south-east and south-west rooms in the basement story, together with the use of the passage between the said rooms; so much of the circular part of the said building as is above the basement story, and the roof of the said story.

2. SECT. 11. In order that the beforementioned parts of the said building may be rendered suitable for the purposes aforesaid, it shall and may be lawful to and for the said American Philosophical Society, at the proper cost and charge of the same, to make and cause to be made the herein after described alterations in the parts of the said building, to be so as aforesaid demised and let to the said society; that is to say, they may remove and take away any part, or the whole of the arch forming the ceiling of the south-west room in the basement story of the said building, and make and construct in the said room a stairway, leading to the roof of the said story; also to make, construct and build upon the said roof, a flat terrace roof: *Provided*, the same shall not be raised higher than the top of the lowest part of the parapet wall, as the same now is, and also to make, form and construct in the circular part of the said building, a floor, which shall be upon a level, or as nearly so as may be, with the beforementioned terrace roof: *Provided always*, That the said alterations, or any of them, shall not in any manner whatever change the present external appearance of the said Centre Engine House; and also, that the demised parts of the same shall, during the term for which they shall be in the occupancy of the said society, be kept and maintained in repair at the proper cost and charge of said society.

Chimneys and Chimney-sweepers.

ACT OF ASSEMBLY.

Chimney-sweepers to register themselves and procure certificates	1	Penalty on not sweeping within a certain time after being required	3
Penalty for omission	1	Rates fixed	4
Chimney-sweepers to wear numbers on their caps	2	Penalty on chimney taking fire	5
Penalty on not having number, or concealing it	2	Mode of recovering and appropriating penalties	6

Act of September 29, 1787.

An act for regulating chimney-sweepers, within the city of Philadelphia, the district of Southwark, and township of the Northern Liberties, in the county of Philadelphia.—2 Smith 432.

Whereas the houses and estates of the inhabitants of the city of Philadelphia, and of the district of Southwark, and the township

Chimneys, &c:

of the Northern Liberties in the county of Philadelphia, are frequently endangered by chimneys taking fire, and blazing out at the top, and it is necessary that such abuses should be remedied by law, and a proper regulation made among those who undertake the sweeping of chimneys:

1. SECT. II. *Be it therefore enacted*, That no person or persons, from and after the passing of this act, shall follow the business or occupation of a chimney-sweeper, either by himself, his servants, negroes, or others, within the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties aforesaid, without having first made application to the officer herein-after directed to be appointed, and having registered, or caused to be registered, his or their name or names, and the name or names of his or their servants, negroes, or other persons, aforesaid, with a number affixed to each and every such name in a book, by the said officer to be kept for the purpose, and without procuring and receiving from the said officer a certificate of every such registry, containing the number and the name of every person so entered, under the penalty of ten shillings for every day he shall follow by himself, or cause to be followed by his servants, negroes, or others, the said business, which said certificates the said officer is hereby enjoined and required to make out, under his hand, and to deliver to the person or persons who shall apply for the same; and for every such registry and certificate he shall receive the sum of seven shillings and six pence, and no more.

2. SECT. III. Every person following the business aforesaid, within the said city, district and liberties, shall (if he follows the employment himself) wear, or (if he employs his servants, negroes, or others) cause to be worn, on the front of their caps, in full view, without any concealment, the same figures and numbers, respectively, as shall be so as aforesaid entered in the said book, and contained in his or their respective certificates, and none other, in large figures, not less than two inches in length, to be made of strong durable tin or copper; and that all and every person and persons, who shall follow the said business or employment, by him or themselves, or by his or their servants, negroes, or others, not having the said number fixed on his or their cap and caps, and the cap and caps of his and their servants, negroes, and other persons aforesaid, according to the directions aforesaid, or, when fixed, shall wilfully deface or conceal the same, or shall neglect to keep them plain and visible, shall, for each and every such offence, forfeit and pay the sum of ten shillings for every day he or they shall follow the said employment, not wearing the said number as aforesaid.

3. SECT. IV. If any person or persons, undertaking the business or occupation aforesaid, shall not, within forty-eight hours after application to him or them made, by any of the inhabitants of

the said city, district, or Northern Liberties, sweep or cause to be swept, such chimney or chimneys as he or they shall be required to sweep, every such person or persons, so offending, shall forfeit and pay the sum of twenty shillings.

4. SECT. V. Every chimney-sweeper shall have and receive, for every chimney by him swept within the city of Philadelphia, and for every chimney by him swept in the district and liberties aforesaid, not more than one mile distant from the northern and southern boundaries of the said city, as follows; that is to say, for every chimney passing through two stories, or under, nine-pence; for every chimney passing through three stories, one shilling; for every chimney passing through four or more stories, one shilling and six pence and no more.—[*The corporation empowered to fix the rates and prices for chimney-sweepers; see Corporation A. A. 34.*]

5. SECT. VI. If the chimney of any person or persons, within the said city, district or liberties, shall take fire, and blaze out at the top, the same not having been swept within the space of one calendar month next before the time of taking such fire, every such person or persons shall forfeit and pay the sum of forty shillings; and if any chimney shall take fire, and blaze out at the top, the same having been swept within one calendar month from the time of taking such fire, the person who swept the same, either by himself, his servants, or negroes, shall forfeit and pay the sum of forty shillings.

[SECT. VII. Provided for the appointment of an officer for registering, &c.—*The appointment vested in the Select and Common Councils; see Corporation A. A. 34, 40.—The High Constable charged with the duties; see High Constable 2.*]

6. SECT. VIII. All and every the penalties and forfeitures, imposed by virtue of this act, shall be paid, one half thereof to the use of the officer aforesaid, and the other half thereof to the overseers of the poor of the said city, district or township, where the offence shall be committed, for the use of the poor thereof, to be sued for in the name of the officer, and recovered before any justice of the peace for the said city and county, who is hereby authorised to hear, try, judge and determine the same: *Provided always*, That nothing in this act shall extend, or be construed to extend, to a greater distance than one mile from without the bounds of the city of Philadelphia.

ORDINANCES.

Mayor to appoint a city clerk annually,	1	To account weekly with the treasurer,	7
City clerk to give bond,	1	To countersign all orders drawn by the mayor on the treasurer,	8
His duties,	2, 10	To keep an account thereof,	8
Room appropriated to his use,	3	His office separated from any connexion with watering committee,	10, 12
Times of attendance,	3, 6		
To have charge of certain books, papers, &c.	4		
His compensation,	5, 6, 9, 12		

Ordinance of June 28, 1811.

An ordinance establishing an office of city clerk, and for other purposes.

1. SECT. I. On the first Monday in July next and annually thereafter on the first Monday in January, and also whenever a vacancy shall happen by death, resignation or otherwise, there shall be appointed by the mayor of the city for the time being, a discreet and suitable person to be styled a *city clerk*, who shall, before he enters on the duties of his office, give bond to the "mayor, aldermen and citizens of Philadelphia," in the sum of three thousand dollars, with two sufficient sureties, to be approved by the mayor and recorder of the city, conditioned for the faithful performance of the duties of the said office.

2. SECT. II. It shall be the duty of the said city clerk to do and perform all acts, matters and things which are now done and performed by the [clerk to the watering-committee and the] clerk to the city commissioners, and also all such acts, matters and things as are by this ordinance directed, or as may be hereafter, from time to time, directed by ordinance or resolution of the select and common councils.—[*Any part of any ordinance connecting duties of city clerk with the duties of clerk to the watering committee, repealed; post 10—12.*]

3. SECT. III. The room in the city hall now occupied by the city regulators, is hereby appropriated to the use of the city commissioners, the city regulators and the said city clerk, in which room the said city clerk shall [daily] attend, Sabbath days excepted, during such hours as may be appointed by the city commissioners [or watering committee,] who from and after the said first Monday in July next shall hold their stated weekly meetings in the said room instead of the place now used by them.—[*Attendance of Clerk on 4th July and Christmas dispensed with; post 6; see also post 10.*]

4. SECT. IV. From and immediately after the appointment of the said city clerk and his entering upon the duties of his office, all books, papers, records and documents belonging to the "mayor,

aldermen and citizens of Philadelphia," which now are or ought to be deposited with [the watering-committee,] the city commissioners [and the city regulators,] together with all deeds and title papers relating to the city property, shall be placed in the room aforesaid, or in some other suitable part of the city hall, under charge of the city clerk, who shall be responsible for the safe-keeping of the same, provided always, that the books, papers, and documents appertaining to the city treasury, shall remain under charge of the city treasurer for the time being as heretofore.—[*Papers belonging to the office of city regulators, to be kept at the office of recording surveyor. See Surveyors and Regulators, O. 17. As to papers of watering committee, post 11.*]

5. SECT. V. The said city clerk shall be entitled to receive for his services at the rate of [seven hundred and fifty dollars per annum,] payable quarterly, by orders to be drawn by the mayor upon the city treasurer, [and shall also be entitled to receive, upon every permit issued by him for the introduction of water, the sum of twenty-five cents, to be paid by the person obtaining such permit.] [*See Post 12; salary raised to one thousand dollars, post 6, and reduced to eight hundred, post 9.*]

Ordinance of December 24, 1818.

6. SECT. VI. From and after the first day of January next, it shall be the duty of the treasurer and city clerk, to keep their respective offices open for the transaction of the business thereof, from nine o'clock in the forenoon 'till two o'clock in the afternoon of each and every day, Sundays, the Fourth of July, and Christmas day excepted. And the city clerk shall also attend in his office, at such other times as may be directed by the commissioners, [or the watering committee.] [And shall receive for his service, one thousand dollars per annum, in lieu of his present salary, to be paid in the manner and at the times directed by the ordinance to which this is a supplement.]—[*Salary reduced to eight hundred dollars per annum, post 9.*]

7. SECT. VII. The city clerk shall at least once in each and every week account for, and pay to the treasurer, all such sum or sums of money belonging to the corporation, as may have been received by him; and if he shall refuse or neglect so to account and pay over, it shall be the duty of the treasurer to proceed as is herein before directed with respect to the city commissioners.—[*See City Commissioners, O. 23.*]

6. SECT. VIII. From and after the first day of January next, no orders which may be drawn by the mayor upon the treasurer shall be paid by him, unless the same shall have been previously coun-

City Clerk.

tersigned by the city clerk, whose duty it shall be to keep an accurate account of the same, in a book to be provided for the purpose, wherein shall be inserted, under the proper heads of appropriation, the objects, dates, numbers, and the amount of the said orders, together with the names of the persons in whose favour they may be drawn.

Ordinance of December 16, 1819.

An Ordinance establishing the compensation of certain officers, and for other purposes.

9. SECT. I. There shall be allowed to the officers hereinafter mentioned, the following annual compensation, to commence from the first of day of January next, to be paid quarterly, by orders drawn, in the manner prescribed by law, on the treasurer of this corporation.

To the city clerk, eight hundred dollars. [*The remainder of this section will be found under the proper heads.*]

9. SECT. II. From and after the first day of January, 1820, so much of any ordinance, or ordinances, as fixes the salaries of any of the aforesaid officers, is hereby repealed, and made null and void.

Ordinance of January 25, 1821.

An Ordinance repealing certain parts of "An Ordinance establishing an office of the city clerk, and for other purposes."

10. SECT. I. So much of an ordinance, passed on the 28th day of June, 1801, as directs the duties of clerk of the watering committee to be performed by the city clerk, and in the office of the city clerk, as well as any part or parts of any other ordinance, connecting the duties of clerk of the watering committee with the office of city clerk, is hereby repealed.

11. SECT. II. So much of the fourth section of said ordinance, or any other ordinance, as prescribes the meetings of the watering committee to be held in the office of the city clerk, and directs the deposit in said office of all the papers and records appertaining to the watering committee, and for the safe keeping of which the city clerk is at present held responsible, is hereby repealed.

12. SECT. III. So much of the fifth section of said ordinance, or of any other ordinance, as authorizes or directs any perquisite or payment to the city clerk, for the performance of any act or thing connected with the duties of the watering committee, is hereby repealed.

City Commissioners.

35

ORDINANCES.

Three city commissioners to be appointed,	20	Inventories of materials and estimates,	9
To give bond with sureties,	20	To assess taxes,	9
Their qualification,	1	To allow reductions to collectors,	9
Quorum,	1	To give information to councils when required,	9
Salary,	24	How to keep their accounts,	10
To let and superintend the real property of the city,	2	Not to appoint collectors of taxes,	13
On what terms,	2, 17	Nor clerk,	14
Lessees to give security,	17	When to account to the treasurer,	15, 23
Penalty on omission to take securities,	18	To have work done by contract,	16
Leases to themselves void,	19	To invite proposals for contracts,	16
Mode of passing their accounts,	3	To enforce strict performance,	21
Only to be passed when stated in duplicate,	12	Money to be placed in their hands,	22
When appropriations exhausted or deemed inadequate,	3	Not to exceed appropriations,	25
Duties respecting wells, pumps, lamps, pavements, privies,	4, 6	To give notice of paving private lanes, &c.	26
Lighting and watching the city,	5	And to sue when notice disregarded,	26
To keep unpaved streets in repair,	7	Private lanes, &c. when paved, to be cleansed as public streets,	27
Pitching, paving, and cleansing streets,	8		
To pave particular districts,	8		
And give notice thereof,	8		
To furnish accounts to councils,	9, 11		

ORDINANCES.

Ordinance of May 22, 1797.

An Ordinance providing for the appointment of city commissioners, and prescribing their duties.

SECT. 1. [Provided for the appointment of city commissioners; supplied, post 20.]

1. SECT. II. Each of the commissioners [so] appointed, before he enters upon the duties of his office. shall take and subscribe an oath or affirmation before the mayor, according to law, that he will faithfully execute the office of a city commissioner of the city of Philadelphia, and the said commissioners, or a majority of them, so qualified as aforesaid, which number shall at all times form a quorum for the transaction of any business, shall meet at the courthouse in High street, or such other place as may be appointed, by a resolution of the select and common councils, on the Tuesday of every week. which meeting may be continued from time to time by adjournment, [and the said commissioners shall have and employ a suitable person as a clerk to attend in their office, keep their accounts, and perform all such business as is usually performed by a clerk, and the same at pleasure to dismiss and employ another. *Office of clerk to the commissioners abolished, and the duties thereof devolved on a city clerk, post 14; City Clerk, 2.*]

2. SECT. III. The said commissioners, or a majority of them, shall have the several authorities, and perform the duties hereinafter mentioned, *that is to say*, They shall, in the manner hereinafter prescribed, demise and let [the public wharves and landing places, the fish and scale houses, and] the cellar under the city-hall, [and the house on Schuylkill,] with the lots contiguous thereto, [except so much thereof as shall be occupied by any buildings erected for the use of the collector of the tolls, or be necessary for the toll-gates at the ferry on said river, together with the wharves and landing places properly appurtenant to the same,] the leases for which, shall not be made to continue longer than one year respectively, without the consent of the select and common councils, signified by concurrent resolutions, and shall contain proper covenants for the quarterly payments of the rents thereby reserved, and the other usual and necessary covenants, with at least two sufficient sureties, for the due performance of the same, to be approved of as hereafter directed with respect to the other terms of the said leases. [but every person to whom the house and lots on Schuylkill may be demised, shall be bound to render, at all times when thereto required, every assistance in his power towards securing the bridge at the said ferry, upon sudden emergencies, against any injuries from ice, swells, freshes or otherwise, and also for the swinging and replacing the said bridge when rendered necessary for the passing of boats, or by the accumulation of trash or rubbish against the same.] And the said commissioners shall, at least four months previous to the first day of January next, and every succeeding year respectively, cause advertisements to be published in two of the daily newspapers of the city, and continued therein thrice a week for one month, inviting proposals to be made and sent to them at their office in writing, stating the rents which the applicants are willing to pay, for all or any part of the said property, and the said commissioners shall lay all proposals which they shall so receive, before the mayor, and with his consent and approbation, determine upon and accept those proposals which shall be most advantageous to the city. And the said commissioners, from year to year, shall let the fixed and movable stalls of the markets for the highest and best rents, payable quarterly, which can reasonably be obtained for the same, regulating the leases thereof in such manner, that the same will expire on the last day of December inclusive, in the present and every future year respectively, [which rents shall be collected by the clerks of the markets as heretofore;] and the said commissioners shall quarterly settle the accounts of the said clerks, ascertain the balances due from them respectively, and report the same to the treasurer. [And the said commissioners shall contract with proper workmen who will undertake to repair the bridge over Schuylkill at High-street, to replace it as soon as possible after it, or any part of it, may be carried away or damaged, and to purchase timber, plank and other materials necessary for the same,

and for building and repairing the boat or boats necessary to be kept there, and for keeping the ropes and wharves in proper repair, and the said commissioners shall see that such contracts are punctually complied with, and report to the select and common councils any final delinquency therein.] They shall also contract with proper persons, from time to time, to repair and keep in repair, the [ferry houses, fish and scale houses,] market-houses, wharves, docks, and the fences and inclosures of all the real estate belonging to the city and see that such contracts are complied with, and they shall take the general care and superintendance of the said property, so as to prevent nuisances and encroachments thereupon, and shall attend to the execution of the several acts of the legislature of this state, and the ordinances of the corporation now in force, or which hereafter shall be passed, for preventing or removing projections, obstructions or nuisances in the streets, lanes, alleys or foot ways of the city. [*For disposition of the public wharves, see Wood, Corders, and Wharfage. Rents of market stalls to be collected by city commissioners, one year in advance, see Markets. As respects the items of property included in brackets, this section has become obsolete.*]

3. SECT. IV. The said commissioners, or a majority of them, shall examine every account which shall be exhibited to them, for any monies demanded as due, in pursuance of any contract which shall be made by them, and if they allow the same, give a certificate specifying the amount due, and the purposes for which the debt was contracted, which certificate, together with the account and vouchers respecting the same, shall be presented to the mayor for his investigation; and if the mayor approve of said account as legally due, he shall draw an order on the treasurer, for the sum mentioned in such certificate, but if he shall not approve thereof, he shall transmit the said account and vouchers, with such observations thereon, as he may think proper, to the select and common councils for their examination and final decision. *Provided always, That every order so drawn, shall specify the object for which the debt shall have been contracted, and shall be charged by the treasurer to the particular account for which the monies therein due shall have accrued, and whenever the amount of any appropriation, or the sums received thereupon shall be exhausted, no other or future order shall be drawn upon such account, but notice of the same having been so exhausted, shall be given by the mayor to the commissioners, and they shall immediately thereupon, notify the same to the select and common councils, and at the same time, state the different contracts which shall then have been made upon the credit of such appropriation, with the situation of the respective objects for which the same is assigned. And in order that the mayor may be possessed of the necessary information, he shall have authority at any time, to inspect the books of the treasurer, or demand from him the state of the account of each or any particular*

appropriation, and the amount of the balance remaining in his hands thereupon. And in case it shall at any time be found or apprehended by the said commissioners, that any specific appropriation will be inadequate to the object or objects for which it is assigned, they shall immediately report the same to the select and common councils, and state what further addition or provision will be necessary. [*All accounts to be given in to the city commissioners, in duplicate, post 12 All orders on treasurer to be countersigned by city clerk, see City Clerk, 8*]

Ordinance of May 22, 1797.

4. SECT. V. The said commissioners shall determine upon and cause such additional wells to be dug, and pumps therein to be fixed, and lamps to be set up in such convenient places as to them shall appear necessary within the streets, lanes and alleys of the city. And they shall also, with the approbation of the select and common councils, limit, direct and appoint the depth of all vaults, wells and sinks hereafter to be dug within the city for privies or necessary houses, which regulation being so made and approved in select and common councils, shall be advertised in two or more newspapers of the city, and then deposited in the office of the clerk of the mayor's court, for the inspection of any inhabitant of the said city. And, if any person or persons whatever, shall dig, or cause to be dug any vault, well or sink for a necessary-house or houses of any greater depth, than shall be limited and appointed by the said commissioners in manner aforesaid, or nearer to the line of his lot than two feet, every such person or persons so offending, shall forfeit and pay the sum of one hundred dollars, and for every three months, the nuisance shall remain, after notice given by the said commissioners to remove the same, the person or persons so offending, shall forfeit and pay the sum of fifty dollars, to be sued for and recovered in the name of the mayor, aldermen and citizens of Philadelphia, in any court of competent jurisdiction, and paid into the treasury for the use of the city.

5. SECT. VI. The said commissioners shall [appoint a superintendent of the nightly watch, and] hire and employ a sufficient number of able-bodied men, to light and watch the city by night, at certain fixed monthly or other wages, and prescribe rules for their government, and dismiss them from office when they shall think proper, and the said commissioners shall purchase and provide oil, wick, and the other materials necessary for the supply of the public lamps, and shall take care that the city be properly and regularly lighted.—[*In place of superintendent, the mayor to appoint a captain and lieutenant; see Watch, 4.*]

6 SECT. VII. The said commissioners shall cause from time to time, to be repaired and kept in order, all the public pavements, lamps, wells and pumps belonging to the city, and for such purpose shall contract with proper persons, upon such terms as shall

be most advantageous, and take care that such contracts be complied with.

7. SECT. VIII. *And whereas,* There are many public streets not yet paved, which are often in bad condition and difficult to be passed: *be it therefore enacted,* That the said commissioners shall keep in good repair, by drawing off the water and otherwise, all the public streets which are in common use.

8. SECT. IX. The said commissioners shall cause such of the streets, lanes and alleys of the city, as the select and common councils, by resolution, shall from time to time direct, to be pitched and paved; and they shall also cause all the public streets, lanes and alleys of the city to be well and properly cleansed, and the filth removed therefrom, and shall have authority to make such reasonable contracts and purchases as may be necessary to the execution of the same. And that the said commissioners may be made more circum-spect, in attending to the proper cleansing of the said streets, lanes and alleys, by an individual responsibility, they or a majority of them shall at some one of their meetings in the month of June in the present, and in the month of January in every succeeding year, divide the city into districts, and assign to each one of their own body, the superintendence of one of the said districts, and they shall immediately cause an advertisement of such arrangement to be inserted in two of the daily newspapers of this city, and cause the same to be continued therein twice a week for one month; and it shall be the particular duty of each of the said commissioners to attend carefully to the cleanliness of the district so placed under his care, and to see that the filth and all noxious matter is seasonably and properly removed from all the streets, lanes and alleys therein. And the said commissioners shall cause the manure, so collected, to be disposed of to the best advantage and removed as speedily as possible.—[*See Streets and Pavements*, 10, 11, 13.]

9. SECT. XVI. The said commissioners shall make out and cause to be delivered in two fair copies, one of which shall be presented to the select, and one to the common council, [at their first meeting respectively in the month of December] in every year, a just and true account of all and singular their transactions and disbursements for the current year, including and designating the quantity of work and repair done with a specification in detail, of the expenses incurred for each object under their superintendence, so far as the same may be practicable, with an inventory of all the stock, utensils, materials and necessities of every kind, belonging to the city, which shall then be provided and remain on hand, and together with such account and inventory, shall furnish an estimate of the several sums, which will be necessary to complete any work or transaction, begun and then unfinished. And the said commissioners shall calculate, make out and deliver, in like manner, to the select and common councils, at their first meeting respectively in the said month of December in every year, a statement of the monies which

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will probably be necessary for each distinct object under their superintendence, for the year succeeding, and when the said councils shall have determined what sums of money shall be raised for those purposes, the commissioners shall immediately assess the same, according to the last county assessment, upon the persons and estates real and personal, within the city, and shall also cause duplicate lists of such assessments to be made out and delivered to [such proper persons as shall be willing to undertake the collection thereof, and who shall produce the best security for the faithful performance of their duty.] And the said commissioners when such duplicate lists are returned, shall allow to the said collectors such reductions as they may judge right, for persons charged with personal taxes, who are not to be found, or are unable to pay the same. And the said commissioners shall likewise render from time to time, such accounts, statements and information within their department, as may be required by any resolve of the select or common councils, and shall submit their books, accounts and vouchers, to the inspection of any committee or committees appointed for that purpose, by either of the said councils.—[*Commissioners to render their annual accounts up to the 31st December, in each year, post 11. So much of this ordinance as authorises the city commissioners to appoint collectors, repealed, post 13.*]

Ordinance of February 20, 1800.

An Ordinance, making appropriations, and for raising supplies for the service of the city, for the year one thousand eight hundred.

I, II, III, IV. [Temporary and obsolete.]

10. SECT. V. The city commissioners shall open, number and keep distinct accounts of the several objects under their superintendence, as the same are herein before designated and appropriated for and in the certificates which they may issue for presentment to the mayor, they shall clearly and distinctly express, for what subject of appropriation the sums certified to be due, are chargeable; and each certificate shall be numbered in conformity to the account to which it may properly appertain, and all orders on the treasury shall, in like manner designate the number and the account of appropriation to which they shall be placed, and the treasurer shall open, number and keep clear and distinct accounts for the different items of appropriation, and charge the same respectively, in conformity to the specification of the orders passed on him for payment.

Ordinance of March 12, 1801.

An Ordinance, making appropriations, and for raising supplies for the service of the city, for the year one thousand eight hundred and one.

11. SECT. VI. The city commissioners shall render their annual accounts up to the thirty-first day of December in each and every

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year hereafter, at which time they shall also present to the councils a copy of the city rental for the year ensuing, any thing in any former ordinance to the contrary notwithstanding.

Ordinance of April 11, 1804.

A Supplement to an Ordinance, entitled "An Ordinance providing for the appointment of city commissioners, and prescribing their duties."

12. The city commissioners shall not issue any certificate for payment unless the account shall by the parties be stated and delivered in duplicates, after the examination of which, and having found the same correct, a certificate to the mayor shall be delivered on one of the accounts for payment, the other shall be properly receipted by the creditor, and filed in the office of the city commissioners, in order to serve as a voucher in the examination of their accounts.

Ordinance of April 2, 1811.

13. SECT. V. So much of the ordinance entitled "an ordinance providing for the appointment of city commissioners, and prescribing their duties," as authorizes the city commissioners to appoint collectors of taxes, is hereby repealed.

Ordinance of June 28, 1811.

14. SECT. VI. So much of any ordinance heretofore passed, as authorizes the city commissioners [or the watering-committee or either of them] to appoint a clerk or clerks, and of all other ordinances the provisions of which are hereby altered or supplied, shall, from and after the said first Monday in July next, be repealed; and, from and after said first Monday in July next, the offices of clerk to the city commissioners, [and clerk to the watering-committee] as heretofore established, shall be abolished.—[See *Water and Water Works*, 23.]

Ordinance of December 23, 1813.

A further supplement to an Ordinance, entitled "An Ordinance providing for the appointment of city commissioners, and prescribing their duties."

15. SECT. V. At the close of every year, the city commissioners shall settle with, and account to the treasurer of the corporation, for any sum or sums of money that may appear to be in their hands at the time, and no city commissioner shall be reappointed, until he produces a certificate to the mayor from the treasurer of the corporation, certifying that such a settlement has taken place, and the balance, if any, of his account paid into the treasury.

16. SECT. VI. It shall be the duty of the city commissioners to have the public work done by contract, as often as is practicable, for which purpose they shall divide it into as many separate classes, or denominations as the nature of the work will admit; and advertise

City Commissioners.

in all the papers authorized to publish the ordinances of councils, for sealed proposals to do the same (for at least twenty days previous to entering into any contract) which proposals, so received, shall all be opened on a day fixed for the purpose, in the presence of the mayor, and the person whose offer is the lowest shall always be entitled to the preference, *provided* he gives sufficient security for the faithful performance of the work in a reasonable time, which the commissioners shall always state in any article of agreement they may enter into.

SECT. VII. So much of any ordinance or ordinances, heretofore passed, as is inconsistent with the provisions herein contained, is hereby repealed.

Ordinance of December 22, 1814.

An Ordinance directing the manner of leasing city property.

17. SECT. I. Whenever the city commissioners shall be directed by ordinance or otherwise, to let or demise any part of the corporate estate (the rent of which shall not be paid in advance) the person or persons leasing the same, shall become bound with two sufficient securities at the least, to the mayor, aldermen, and citizens of Philadelphia, for the payment of rent contracted for at the time, and in the manner agreed upon, and in case any part of the corporate estate shall be let or demised on improving leases, and the improvements contracted to be made, when completed, shall be deemed a sufficient security for the rent to be paid; the commissioners in such case, may dispense with the security before directed to be taken for the rent, *Provided*, the person or persons so leasing or contracting, shall, in like manner, give security for making and completing such improvements according to the terms of the covenants in their lease or contract.

18. SECT. II. In case the said commissioners shall neglect or refuse to require and take security in the manner above directed, they shall for every such neglect or refusal, be individually as well as jointly, liable for all losses or damages which the corporation may sustain thereby, and all such leases or contracts shall be void.

19. SECT. III. All leases of any part of the corporate estate, made by the commissioners to any member of their own body, shall be void, unless such leases shall be specially authorized to be made by councils.

Ordinance of December 24, 1818.

A supplement to the several Ordinances, providing for the appointment of city commissioners, treasurer and city clerk, and prescribing their duties.

20. SECT. I. On the first Monday in January next, and on the first Monday in January in each succeeding year thereafter, it shall be the duty of the mayor to appoint three city commissioners, who shall severally, before entering upon the duties of their office, give

bond to the "mayor, aldermen, and citizens of Philadelphia," in the sum of two thousand dollars, with two sufficient sureties, to be approved by the mayor and recorder of the city, conditioned for the faithful performance of the duties of their said office respectively. And in case a vacancy shall occur at any time by death, resignation, or otherwise, the same shall be supplied by a new appointment.

SECT. II. [Salary, repealed, *post* 24.]

21. SECT. III. The said commissioners shall, in addition to the duties required of them by existing ordinances, personally superintend and direct the labourers, carters, and others in the employ of this corporation, and see that they faithfully perform their respective duties. They shall also keep a faithful and accurate account of the names and number of the said labourers, carters and others, of the time during which they are employed, and of their pay for the same. And it shall further be the especial duty of the said commissioners to enforce the most strict, punctual and faithful performance on the part of the contractors, of the terms of all contracts, which have been or may be entered into by such contractors with this corporation.

22. SECT. IV. That the mayor be, and he is hereby directed to place in the hands of said commissioners, upon their entering on the duties of office, and from time to time, as often as they shall make it appear to his satisfaction that the same has been faithfully expended, a sum not exceeding five hundred dollars, to be by them applied to the payment of any accounts for work done, or materials furnished for this corporation, which may require immediate payment.

23. SECT. V. It shall be the duty of the said commissioners to render an account of, and pay over daily to the treasurer, all sums which they may receive for rent of the market stalls and stands; and they shall also account for and pay to the treasurer, at least once in each and every week, all other sums of money belonging to this corporation, which may have been received by them, excepting however, such sum or sums as under the preceding section may have been placed in their hands. And, if the said commissioners shall refuse or neglect so as aforesaid to account for and pay over such sums of money as may have been so as aforesaid received by them, it shall be the duty of the treasurer forthwith to inform the mayor thereof.

SECT. IX. The first, second, third and fourth sections of an ordinance passed the twenty-third day of December, in the year of our Lord one thousand eight hundred and thirteen, entitled a further supplement to an Ordinance, entitled "An Ordinance, providing for the appointment of city commissioners and prescribing their duties," and so much of any other ordinance or ordinances as are inconsistent with the provisions herein contained, are hereby repealed.

City Commissioners.

Ordinance of December 16, 1819.

An Ordinance establishing the compensation of certain officers, and for other purposes.

24. SECT. I. There shall be allowed to the officers hereinafter mentioned the following annual compensation, to commence from the first day of January next, to be paid quarterly by orders drawn in the manner prescribed by law, on the treasurer of this corporation.

To the city commissioners, each seven hundred dollars.

[The remainder of this section will be found under the respective titles.]

SECT. II. From and after the first day of January 1820, so much of any ordinance or ordinances as fixes the salaries of any of the aforesaid officers, is hereby repealed and made null and void.

Ordinance of May 3, 1821.

25. SECT. VIII. It shall not be lawful for the city commissioners, in any instance in which a sum is appropriated for any specific purpose, to exceed or expend more than the amount of such appropriation, or to draw any certificate or certificates, order or orders, for any sum or sums, beyond the amount of such appropriation; and in case the said city commissioners, or any or either of them shall exceed or expend more than the amount of such appropriation, the said city commissioners shall be jointly and severally bound to pay the amount which may have been expended beyond the sum appropriated.

Ordinance of August 9, 1821.

An Ordinance concerning the paving of private lanes, courts, and alleys, in the city of Philadelphia, and the removal of nuisances from the same.

26. SECT. I. Whenever the board of health shall make known to the city commissioners, that any private lane, court or alley, within the city, is a nuisance, and requires to be regulated and paved, or whenever the city commissioners shall be satisfied of the same by their own observation, it shall be their duty forthwith to give notice, in writing, to the owners or occupiers of the houses, tenements, or lots, having the use and privilege of such lane, court, or alley, or to the agents of such owners, that unless the said nuisance be removed, and the said lane, court or alley, be regulated and paved, within six weeks after such notice, the city solicitor will be directed to cause prosecutions to be instituted against such owners, occupiers or agents, for the nuisance complained of; and in case such notice be disregarded, the city commissioners shall, at the expiration of the said six weeks, report the same to the city solicitor accordingly, with the facts and circumstances necessary to such prosecutions, which he shall institute and bring to trial without delay.

27. SECT. II. Whenever a private lane, court or alley, being of

Constables.

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a sufficient width for a cart-way, shall have been regulated and paved as aforesaid, it shall be the duty of the city commissioners, with the consent of the owners or occupiers of the houses, tenements, or lots, adjacent, or the agents of such owners, to cause the said lane, court or alley, to be cleansed from time to time, at the expense of the city, in the same manner as the public streets of the city are, or shall be directed to be cleansed.

Clerks of Councils.

ORDINANCE.

Salary, 1

Ordinance of December 16, 1819.

An Ordinance establishing the compensation of certain officers, and for other purposes.

1. SECT. I. There shall be allowed to the officers hereinafter named, the following annual compensation, to commence from the first day of January next, to be paid quarterly, by orders drawn in the manner prescribed by law, on the treasurer of this corporation.

To the clerks of councils, each 300 dollars.—[*The remainder of this ordinance will be found under proper titles.*]

Constables.

ACT OF ASSEMBLY.

Constables of the city, when to be elected,	1, 4	Of whom, the mayor to appoint one,	2
Two persons to be returned for each ward,	1	Judges of the election,	2
		Constables to give security,	3
		Vacancies, how supplied,	5

ORDINANCE.

Compensation for attendance at mayor's court;	1, 2	How to be paid,	3
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ACT OF ASSEMBLY.

Act of January 30, 1810.

An Act for the election of constables in the city of Philadelphia.

1. SECT. I. The electors in each ward in the city of Philadelphia, shall annually, on the third Friday of March, at such place within each ward, as the constable for the time being shall appoint, elect by ballot, two persons, one of whom shall be appointed constable for the said ward for the ensuing year, and it shall be the duty of the constable for the time being, to give public notice in two of the daily papers printed in said city, at least six days previous to such election, of the time and place where said election is to be held; and on failure thereof, he shall pay a fine of ninety-five dollars, to be recovered as debts now are, under the one hundred dollar act.

Constables.

2. **SECT. II.** The voters present at the opening of the election, shall choose three persons who shall be judges of the said election, and who shall respectively take an oath or affirmation to perform said duty with uprightness and fidelity, and who shall, on the third day thereafter, make a return of the two names highest in votes to the mayor of the city, whose duty it shall be to appoint one of them.

3. **SECT. III.** Each and every of the constables who may be hereafter appointed in the several wards of the city of Philadelphia, shall, before they enter on the duties of said office, become bound in an obligation to the mayor with two securities, who are freeholders, and who shall be approved of by him, jointly and severally in the sum of two thousand dollars, conditioned for the faithful discharge of the duties of the said office, in trust for the use and benefit of all and every person or persons, who may be injured or aggrieved by the neglect or improper conduct of the said constable in business appertaining to his office.

4. **SECT. IV.** The said election shall open at two o'clock in the afternoon, and continue until ten in the evening.

5. **SECT. V.** In cases of vacancy occasioned by death, resignation, or otherwise, the mayor shall appoint a suitable person as constable, until the ensuing annual election, after having first obtained the security required by the third section of this act.

ORDINANCE.

Ordinance of October 3, 1804.

An Ordinance providing compensation to the constables of the city of Philadelphia, for punctual attendance on the mayor's court.

1. **SECTION. I.** The mayor and recorder of the said city, or either of them, in case of the absence of the other, are hereby authorized, on the last day of each term of the said mayor's court, or within three days thereafter, to ascertain and fix the amount due to such of the constables of the said city, who have attended on the said court during its then present or last sitting, reckoning the compensation of each constable at one dollar per day, and to make a memorandum or record thereof, signed by them or either of them, as the case may be.

2. **SECT. II.** The mayor and recorder of the said city, or either of them, in the absence of the other, shall be the sole and exclusive judges of the punctuality and good conduct of the said constables during the sitting of each mayor's court, so far as relates to the compensation to which they or either of them may be entitled under this ordinance.

3. **SECT. III.** The mayor of the said city shall draw his warrant on the treasurer thereof, in favour of each constable, for the amount of the compensation so allowed him, and the said treasurer shall pay the same on demand, out of the monies of the said city in his hands, not otherwise appropriated. [*City clerk to countersign all orders drawn by the mayor on the treasurer; see City Clerk, 8.*]

Corporation.

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ACTS OF ASSEMBLY.

Corporation instituted,	1	To appoint officers,	47
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ORDINANCE.

Compensation of the mayor, 1 | Of the recorder, 2
Act of March 11, 1789.

An Act to incorporate the city of Philadelphia.—2 Smith, 462.

WHEREAS the intention of civil government is to provide for the order, safety and happiness of the people; and where the general

systems and regulations thereof are found to be ineffectual, it is the duty of the legislature to remedy the defects: *And whereas* the administration of government within the city of Philadelphia is, in its present form, inadequate to the suppression of vice, and immorality, to the advancement of the public health and order, and to the promotion of trade, industry, and happiness; And, in order to provide against the evils occasioned thereby, it is necessary to invest the inhabitants thereof with more speedy, vigorous, and effective powers of government, than are at present established:

1. SECT. II. *Be it therefore enacted, &c.* That the inhabitants of the city of Philadelphia, as the same extends and is laid out between the rivers Delaware and Schuylkill, be, and they and their successors forever, are hereby constituted a corporation and body politic, in fact and in law, by the name and style of "*The mayor, aldermen and citizens of Philadelphia,*" and by the same name shall have perpetual succession; and they and their successors shall, at all times forever, be able and capable in law to have, purchase, take, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects, to them and their successors forever, or for any other or less estate; and the same lands, tenements and hereditaments, goods, chattels, and effects, to grant, bargain, sell, alien and convey, mortgage, pledge, charge and encumber, or demise and dispose of, at their will and pleasure.

2. SECT. III. The said corporation, by the name and style aforesaid, are, and forever shall be, able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, and elsewhere, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever; and to do and execute all and singular other matters and things, that to them as a body politic and corporate, in law and in fact, shall and may appertain; and for that purpose shall have and use one common seal, and the same, from time to time, shall and may, at their will and pleasure, change and alter, deface, and make anew.

SECT. IV. [Of the election of aldermen;—repealed and supplied, post A. A. 41.]

SECT. V. [Of the election of common council men;—repealed and supplied, post A. A. 40.]

3. SECT. VI. The first, and all future and other election and elections, [whether of aldermen or] of common councilmen, to be had and held in pursuance of this act, shall be held and conducted by the same officers, who shall have been duly chosen or appointed and authorized to hold, manage, and conduct the election of representatives for the said city, to serve in the said general assembly [at the general election next preceding every election to be held in pursuance of this act; and that the said officers, and the clerks who shall be employed at the said elections, and each and every of

them, shall severally take a solemn oath or affirmation, before entering upon the duties in and by this act enjoined them, well and faithfully to discharge the same, according to the best of their skill and abilities. [*Select and common councils provided for, post A. A. 38, 39. Aldermen to be appointed by the governor, post A. A. 41.*]

4. SECT. VII. All elections to be had and held in pursuance of this act, shall be held and conducted (except as to [the qualification of the voters for, or electors of aldermen, and] the number of persons to be voted for, elected and chosen, to serve as [aldermen and] common councilmen, and except that the votes or tickets to be given in, may be either written or printed, and except also, as in and by this act is otherwise directed) in the same and like manner, as in and by the laws of this commonwealth is or shall be directed for the holding of the general elections for representatives to serve in the said general assembly, and under and subject to the same rules, regulations, pains and penalties; and all and every person and persons, who shall be concerned in holding or conducting of the said elections, or any of them, or who shall come to vote thereat, or be anywise concerned therein, are hereby enjoined and required to conduct and demean him and themselves accordingly.—[*See post A. A. 41.*]

5. SECT. VIII. When each election to be had and held in pursuance of this act shall be closed, and the number of votes for each candidate or person voted for, shall be counted and ascertained, the judges of the said election, or a majority of them, shall prepare and make, under their respective hands and seals, a return thereof, containing the names [of each alderman elect, or] of each common councilman elect, [as the case may be] with the number of votes in favour of each of them; and shall, within twenty-four hours after the closing of each of the said elections, give notice, in writing, to each of the [said aldermen elect, or] common councilmen elect, of their [respective] elections to the office of [alderman or] common councilman, [as the case may be,] and shall also deliver, or cause to be delivered, the said return to the said [aldermen elect, or] common councilmen elect, [as the case may be,] at the times and places in and by this act appointed for them respectively to meet and receive the same. [*See post A. A. 41.*]

SECT. IX. [The aldermen elect, to receive and judge of their returns, *see post A. A. 41.*]

6. SECT. X. Each and every alderman [who shall be elected, chosen and returned, in manner aforesaid, and whose election shall be so as aforesaid approved of,] shall, before he enters on the execution of his office, take a solemn oath or affirmation, [before his excellency the president, or the vice-president, in council,] “well and faithfully to execute the office of alderman of the said city;” and shall, [thereupon, without any further or other commission, be an alderman of the said city, until the next general election of aldermen,

to be held in pursuance of the directions of this act, and shall, during the time aforesaid,] be vested with all the powers and jurisdictions of a justice of the peace in and for the said city, and with such other powers and jurisdictions, as in and by this act are given to any alderman.

7. SECT. XI. The said common councilmen elect, or [thirty] persons having the highest number of votes for the office of common councilmen, shall meet together at the state-house in the said city, between the hours of ten and twelve of the clock in the forenoon, on the Friday next following each and every election of common councilmen, to be held in pursuance of this act, and shall then and there receive the said returns of common councilmen elect, and shall forthwith proceed to examine the same, and to judge and determine thereon; and for that purpose, and to the end and intent that this act, or the provisions herein contained, may not be ineffectual, the said common councilmen who shall be elected and returned as aforesaid, or a majority of them, shall be judges of their own elections, and shall have full power and authority to approve thereof, or to set aside the same, and to order new elections, as the law may require, to be held in the manner herein before directed, and at such times as shall be by them appointed, of which they shall give at least six days previous notice, in three or more of the public newspapers printed in the said city. [*Number of common councilmen fixed at twenty, post A. A. 38.*]

8. SECT. XII. Each and every common councilman, who shall be elected, chosen and returned, in manner aforesaid, and whose election shall be so as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation, before the mayor of the said city for the time being, "well and faithfully to execute the office of a common councilman of the said city," and shall thereupon, without any further or other commission, enter upon the duties thereof, and shall hold and exercise the same until the next general election of common councilmen to be held in pursuance of this act. [*In the absence or indisposition of the mayor the recorder or any of the aldermen of the city may administer the oath or affirmation, post A. A. 53.*]

9. SECT. XIII. [It shall and may be lawful for the aldermen of the said city, or a majority of them, to elect and choose, by ballot, every year, or oftener, if a vacancy shall happen, by death, resignation, removal from office, or from the city, one of their own number, who shall be mayor of the said city for the ensuing year, if the time for which he shall have been elected and chosen as alderman shall so long continue;] the said mayor elect, shall [be presented to his excellency the president, or the vice-president, in council, and shall then and there] take a solemn oath or affirmation, "well and faithfully to execute the office of mayor of the said city," and shall thereupon enter upon and perform the duties of the said

office, without any further or other commission. [*See post A. A. 42, 49, 52.*]

10. SECT. XIV [It shall and may be lawful for the said mayor and aldermen, or a majority of them, to elect and choose, by ballot, out of the freemen and inhabitants of the said city, a recorder of the said city, who] shall hold the said office, and be vested with all the powers and jurisdictions thereof, and with all the powers and jurisdictions of a justice of the peace within the said city, [for the term of seven years, and the same office of recorder shall be filled and supplied in manner aforesaid, as often as a vacancy shall happen therein, in manner aforesaid] and the said recorder, [or person who shall be so as aforesaid chosen for that purpose,] shall, before he enters upon the duties of the said office, or upon any other duty in pursuance of this act, take a solemn oath or affirmation, before the mayor of the said city for the time being, "well and faithfully to execute and perform "the office of recorder of the said city;" and shall thereupon enter upon the duties thereof, without any further or other commission.

Provided nevertheless, That each and every mayor, recorder or alderman, who shall be elected, chosen or appointed, in pursuance of this act, and who shall misdeemean himself in office, shall be liable to be impeached by the general assembly, [before the president or vice-president and council] and shall be removable for misconduct in office by the said general assembly.—[*The governor to appoint the recorder during good behaviour. post A. A. 41.*]

11. SECT. XV. And in order that the said common councilmen may at all times consist of those who are not only able and capable to perform the duties thereof, but of such as shall be mindful of, and attentive to the said duties; and in order also to avoid an entire dependence, which might not be politically just and expedient, of any such common councilman, either on the body of which he may be a member, or on that of the aldermen, *Be it further enacted*, That, if any common councilman shall misbehave himself in his said office, or shall fail or neglect well and faithfully to discharge the duties thereof, it shall and may be lawful [for the mayor or recorder, aldermen and common councilmen, or a majority of the aldermen, and also of the common councilmen, if the said mayor or recorder, and two-thirds of the aldermen, and also two-thirds of the common councilmen, who shall be present, shall agree thereto,] on the petition and complaint, in writing, of twenty-four freeholders of the said city, and of twenty-four freemen of the said city, who shall not be freeholders, but who shall nevertheless be qualified in manner aforesaid, to vote for common councilmen, to remove, in a summary way, any such common councilman from his said office: *Provided nevertheless*, That the said petition and complaint, in writing, shall fully and minutely state all the causes assigned for such removal, and no other cause whatever shall be assigned, heard or inquired into: *And provided also*, That a copy of

the said petition and complaint, with a notice of the time and place appointed for hearing and inquiring into the same, shall be served on such common councilman, at least ten days before any such hearing or inquiring shall take place.—[*The select and common councils to have all the powers and authorities, rights and privileges vested by this last act, in the mayor, aldermen and common councilmen, post A. A. 48.—But this section seems to be rendered obsolete by the supplement to the Act of Incorporation, post A. A. 38—43.*]

12. SECT. XVI. [The mayor, recorder, aldermen and common councilmen, in common council assembled,] shall have full power and authority to make, ordain, constitute and establish such and so many laws, ordinances, regulations and constitutions (provided the same shall not be repugnant to the laws and constitutions of this commonwealth) as shall be necessary or convenient for the government and welfare of the said city, and the same to enforce, put in use and execution, by the proper officers, and at their pleasure to revoke, alter and make anew, as occasion may require.—[*The whole legislative power of the corporation vested in the select and common councils, post A. A. 40.*]

13. SECT. XVII. And, in order that a knowledge of the said laws, ordinances, regulations and constitutions, may at all times be had and obtained, *It is hereby further enacted*, That such and so many of them as shall not be published in two or more of the public newspapers published in the said city, within ten days from and after their being severally passed, ordained and established, and also recorded in the office [of the master of the rolls,] who shall be allowed and paid for recording thereof, at the same rate as is allowed for recording the laws of this commonwealth, within thirty days from and after their being so as aforesaid passed, ordained and established, shall be null and void.—[*Ordinances to be enrolled in the office for recording of deeds, post A. A. 51.*]

14. SECT. XVI. I. And, in order that the publications thereof may, at all times, be known and ascertained, *It is further enacted*, That, before any of the said laws, ordinances, regulations or constitutions, shall be so as aforesaid recorded, the publications thereof, respectively, with the times thereof, shall be proved by the oath or solemn affirmation of some credible person, which said oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publication.

15. SECT. XIX. The mayor, recorder and aldermen of the said city, for the time being, shall severally and respectively have all the jurisdictions, powers and authorities of justices of the peace, and justices of oyer and terminer and general goal delivery, of and for the said city, and shall act therein accordingly, jointly or severally, as fully and amply as any justice or justices of the peace, or of oyer and terminer and gaol delivery, of or for any county within this commonwealth, may or can do, in or for such county.

16. SECT. XX. The said mayor, recorder and aldermen, or any

[four] or more of them (whereof the mayor or recorder for the time being shall be one) shall have full power and authority, and they are hereby vested with full power and authority to inquire of, hear, try and determine, agreeably to the laws and constitutions of this commonwealth, all larcenies, forgeries, perjuries, assaults and batteries, riots, routs, and unlawful assemblies, and all other offences which have been committed, or shall be committed, within the said city, which would be cognizable in any county court of general quarter sessions of the peace, of or for any county within this commonwealth, had the same offences, or any of them, been committed within any such county, and to punish all persons who shall be convicted of the same offences. or any of them, agreeably to the laws of this commonwealth, and also to inquire of, hear, try and determine all offences which shall be committed within the said city, against any of the laws, ordinances, regulations or constitutions, that shall be made, ordained or established, in pursuance of this act, and to punish the offender and offenders, as by the said laws, ordinances, regulations or constitutions, shall be prescribed or directed; and also to impose fines on jurymen and others, according to law, and to levy the same; and to award process, take recognizances for keeping of the peace, for being of good behaviour, and for appearance, or otherwise; or commit to prison, as occasion shall lawfully require, without being accountable to the commonwealth for any fines or amercements to be imposed for the said offences, or any of them, except such as are or shall be by law made payable into the state treasury, for offences against this commonwealth; and generally to do all such matters and things within the said city, as any court of general quarter sessions of the peace, oyer and terminer and gaol delivery, of and for any county within this commonwealth, may or can do within any such county: And to the ends, and intents, and for the purposes aforesaid, and for such other ends, intents and purposes, as are in and by this act declared or mentioned, the said mayor, recorder and aldermen, or any [four] of them (whereof the mayor or recorder, for the time being, shall be one) shall have full power and authority, and they are hereby vested with full power and authority, to hold and keep a court of record, within the said city, four times in each year, by the name, style and title of "The mayor's court for the city of Philadelphia," for the inquiring, hearing, trying and determining of the pleas and matters aforesaid, and for the punishing of those who shall be found guilty thereof, and for the causing of all encroachments in the streets of the said city, and all nuisances, to be removed, and for the punishing the offenders as the law and usage shall in such case require, and for the doing and performing of all such other matters and things as are, in and by this act, made cognizable in the said court. [*Altered, post A. A. 56.*]

17. SECT. XXI. If any person or persons shall find him, her or themselves, aggrieved by any judgment of the said court of record, it shall and may be lawful for the party or parties so aggrieved, to

sue out and obtain his, her or their writ or writs of error, which shall be granted of course, in like manner as other writs of error are granted, and made returnable in the supreme court of this commonwealth, and shall be proceeded in under the same rules and regulations.

Provided always, That when any writ of error shall be granted upon any judgment to be given in the said court of record, the said mayor, recorder and aldermen, or their successors, shall not be compelled thereby, or by any other writ or writs to them directed, to remove, send or certify, into the said supreme court, or elsewhere, any of the indictments or presentments, but only the tenors or transcripts thereof, and of the records touching and concerning the same, and of the proceedings thereon, under their common seal; and after such judgments shall be reversed or affirmed, it shall and may be lawful for the said mayor, recorder and aldermen, and their successors, to proceed to execution, or otherwise, as shall according to law appertain.

18. SECT. XXII. And to the end and intent that such persons, indicted or outlawed for felonies or other offences supposed by such indictments or outlawries to have been committed within the said city, as shall dwell, remove, lurk, or be received without the bounds and limits of the said city, may be brought to justice. *Be it further enacted,* That the mayor or recorder of the said city, for the time being, shall and may, as often as occasion may require, issue his writ or writs of *capias*, to the sheriff or sheriffs, or other officer of any county or counties, or town corporate, within this commonwealth directed, commanding him or them to take and bring the body or bodies of any such person or persons, as shall be so as aforesaid indicted or outlawed, before him, the said mayor or recorder, or either of them, to be dealt with according to law; and every sheriff and other officer, to whom any such writ or writs of *capias* shall be directed and delivered, is hereby enjoined and required to use due diligence to execute the same, under such pains and penalties as are by law incurred by any sheriff or other officer, for refusing or neglecting to obey and execute any *capias*, or other process, to him directed and delivered.

19. SECT. XXIII. And to the further end and intent that there may not be a failure of justice within the said city, by reason of any person or persons, who may be charged with having committed any offence or offences therein, lurking, or being in secret or other places in the neighbourhood thereof, *Be it further enacted,* That it shall and may be lawful for any constable or constables of the said city, to whom any warrant, under the hand and seal of the mayor, recorder or aldermen, or any of them, shall be delivered, commanding him or them to take any person or persons, who shall have been charged with having committed any offence within the said city, and to bring him or them before the said mayor, recorder and aldermen, or any of them, and he and they are hereby enjoined and required

to execute the same, by making of the arrest, if the same can be done at any place within the county of Philadelphia, and also by bringing such offender or offenders before the said mayor, recorder and aldermen, or some of them.

20. SECT. XXIV. And to the further end and intent that there may not be a failure of justice within the said city, by reason of any witness or witnesses residing or being without the bounds or limits thereof, *Be it further enacted*, That it shall and may be lawful for the said mayor, recorder and aldermen, or any of them, before whom any complaint, indictment, plea, matter or thing, of a criminal or civil nature, within his or their jurisdiction, shall be made or depending, to issue his or their subpœna, to any person or persons within this commonwealth, commanding him or them to appear and give evidence therein; and every person to whom the same shall be directed, and on whom service thereof shall be duly made, shall attend accordingly, and give evidence, under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence, when duly subpœned for that purpose.

SECT. XXV. [Establishment and power of the alderman's court;—repealed March 20, 1810.]

SECT. XXVI. [Fees allowed in the alderman's court;—repealed March 20, 1810.]

SECT. XXVII. [Of the summary jurisdiction of the mayor and aldermen in cases of debts or demands under forty shillings;—supplied by the act of March 20, 1810.]

SECT. XXVIII. [Appeal to the alderman's court, &c. obsolete and supplied; see the preceding section.]

21. SECT. XXIX. And in order to prevent the frequent clashing of jurisdictions, and the mischief arising therefrom, *Be it further enacted*, That the justices of the court of general quarter sessions of the peace of and for the county of Philadelphia, or any or either of them, shall not, in any matter or thing of a civil or criminal nature, have any further or other powers or jurisdictions within the said city, than the said mayor, recorder, and aldermen, or any of them, may or can have in the said county of Philadelphia, and without the bounds and limits of the said city.

22. SECT. XXX. From and immediately after the fifteenth day of April next, so much of each and every act and acts of general assembly of this commonwealth, heretofore made or enacted, as directs, authorizes or regulates the electing, choosing, nominating, commissioning, or appointing of any justice or justices of the peace, in, of, or for the said city of Philadelphia, or any ward or wards, district or districts, therein; and also so much of each and every act and acts of general assembly, as directs, authorizes, or empowers any justice or justices of the peace, jointly or severally, either by themselves, or collectively with any other person or persons, to take cognizance of, or to direct, do, or perform any matter or thing whatsoever, within the said city, either of a criminal or ci-

vil nature, or otherwise; and also so much of each and every act and acts of general assembly as directs, authorizes, or empowers the nominating, choosing, appointing, or commissioning of any person or persons to hold a city court or courts in or for the said city, or as directs, authorizes, or empowers any such person or persons to hold any such court or courts, or to take cognizance of, hear, try, or determine any matter or thing therein, be, and they and each and every of them are hereby severally and respectively repealed, and made null and void. *Provided nevertheless*, That neither this act, or any thing herein contained, shall annul, make void, or prevent the execution of any judgment, order, sentence, decree, award of execution, or other matter or thing, already passed, pronounced, awarded, ordered, issued or done, or which shall, on or before the said fifteenth day of April next, be passed, pronounced, awarded, ordered, issued or done, by the said judges or justices, or any of them, but the same shall be of the same force and effect, and be obeyed and executed, as fully as if this act had not been passed.

SECT. XXXI. XXXII. XXXIII. [Temporary and obsolete.]

23. SECT. XXXIV, So much of all and every act and acts of general assembly, as directs, authorizes, or requires any matters or things to be done and performed by the city wardens, or by the commissioners for paving and cleansing the streets of the said city, or by all or any of them, shall, from and after the first day of June next, be null and void, and the said officers shall no longer continue in office, nor shall any new appointment of such officers be made under any former law or act of assembly. *Provided nevertheless*, That nothing herein contained shall bar, prevent, or at all impede the recovery of any sum or sums of money, or of any other matter or thing for the recovery whereof the said wardens or commissioners have instituted any suit, cause, or action, but the same shall and lawfully may be carried on by the said mayor, aldermen, and citizens, in the names of the said wardens or of the said commissioners, as the case may require, to final judgment, execution, and recovery, as fully and effectually as the same might or could have been done by the said wardens or commissioners, had this act not been passed; *And provided further*, That all and every matter and thing that has been commenced, begun, or entered upon by the said wardens and commissioners, or either of them, in pursuance of the powers and authorities in them vested, shall be of the same force and effect as if this act had not been passed, and may, from and after the said first day of June next, be proceeded in and carried into effect, agreeably to the directions of this act, as fully as the same might or could have been done by the said wardens and commissioners, or either of them, had this act not been made; and for this purpose, all contracts and agreements made or entered into by the said wardens and commissioners, or either of them, in pursuance of the powers in them legally vested, or which they, or either of them, shall, in manner aforesaid, enter into before the said

first day of June next, shall be equally binding upon the said mayor, aldermen and citizens, and upon the person or persons with whom the same have been or shall be made, as if the same had originally been made and entered into by and between them.

24. **SECT. XXXV.** From and after the said first day of *June* next, the [mayor, recorder, aldermen and common councilmen] shall be, and they are hereby fully authorized and empowered, either by themselves, or by proper persons authorized for that purpose to be by them appointed, to do, perform and execute all such matters and things, as the said wardens and street commissioners were, at and immediately before the passing of this act, respectively authorized or enabled by law to do. [*See post A. A. 34, 40, 48.*]

25. **SECT. XXXVI.** From and after the said first day of *June* next, [the mayor or recorder, and four of the aldermen,] shall be, and they are hereby fully authorized and empowered, either by themselves, or by proper persons to be by them for that purpose appointed, to do, perform, and execute all such matters and things, as the said wardens and street commissioners respectively were, at and immediately before the passing of this act, authorized or enabled by law to do and perform, in conjunction with any justice or justices of the peace of and for the city and county of Philadelphia, or of either of them. And for the several purposes aforesaid, it shall and may be lawful for [the said mayor, recorder, aldermen and common councilmen, in common council assembled,] to make, ordain and establish such ordinances, regulations and provisions, concerning the same, as by them shall be deemed necessary and expedient; and also to allow and make such rewards and compensation to the several officers of the said corporation, and persons to be employed in the service thereof, as shall be just and reasonable. [*Provided nevertheless, That the consent and approbation of the mayor or recorder, and a majority of the aldermen, and also of the common councilmen, who shall, from time to time, be present, and in common council assembled, shall be necessary to the making, ordaining or establishing of any such rules, regulations, appointments, laws, ordinances and constitutions, as the said mayor, recorder, aldermen and common councilmen, in common council assembled, are, in and by this act authorized or empowered to make, ordain or establish.*] [*The select and common councils authorized to provide for performing every thing which the wardens and street commissioners might perform, either of themselves or in conjunction with any other person or persons; post A. A. 34, 48.*]

26. **SECT. XXXVII.** It shall and may be lawful for [the mayor, or recorder, aldermen, and common councilmen, in common council assembled,] from time to time, to permit and license such and so many brokers within the said city, and under such rules and regulations, as they may think proper; and to prohibit all other persons from using or exercising the business of a broker therein, un-

der such pains and penalties, as shall, from time to time, be ordained and established in manner aforesaid. [See *post* A. A. 40.]

27. SECT. XXXVIII. It shall and may be lawful for the mayor of the said city to nominate, and from time to time, to appoint one or more clerk or clerks of the markets, who shall have assize of bread, wine, beer, wood, and other things, within the said city, and shall do and perform all things belonging to the office of clerks of the markets, within the said city.

28. SECT. XXXIX. For the well governing of the said city, and the ordering of the affairs thereof, there shall be such other officers therein, and at such salaries, or other compensation, as [the mayor, recorder, aldermen and common councilmen, in common council assembled, shall direct;], each and every of which said officer and officers shall, nevertheless, before entering on the duties of his office, take a solemn oath or affirmation, before the mayor of the said city, for the time being, well and faithfully to perform and execute the same. [*Post* A. A. 40.]

29. SECT. XL. All the rights of the late corporation, known by the name of "The mayor and commonalty of Philadelphia, in the province of Pennsylvania," in and to all lands, tenements, hereditaments, ferries, wharves, markets, stalls, landings and landing places, goods, chattels, monies and effects, whatsoever; and also all other lands, tenements and hereditaments, rights, franchises, liberties, privileges, goods, chattels, monies and effects, whereof any person or persons, or bodies politic or corporate, are seized or possessed, or which they, or any of them, hold or enjoy in trust for, or to and for the use of the citizens of the city of Philadelphia, or which the said citizens are, in any wise, entitled to, be, and they are hereby, severally and respectively, vested in the said corporation, or body politic of the city of Philadelphia, and their successors, in and by this act established by the name, style and title aforesaid, to and for the use and benefit of the said citizens, and their successors, forever; saving, nevertheless, to all and every person and persons, and bodies politic and corporate, his, her and their just rights therein.

30. SECT. XLI. And to the end and intent that all and singular the estate and estates, rights, privileges and interests aforesaid, may be had and received by the said mayor, aldermen and common councilmen, and be by them and their successors faithfully applied to and for the use of the said citizens, and their successors, forever, *Be it further enacted*, That all and every person and persons, and bodies politic and corporate, who are or shall be, seized or possessed of the same, or of any part thereof, shall, on reasonable request, deliver the same to the said mayor, aldermen and common councilmen, together with all deeds, writings, evidences, books and papers, touching and concerning the same, with proper assignments, where the same shall be necessary, and just, true and fair accounts thereof; and whoever shall fail herein shall be liable to be

sued for the same, and shall, moreover, forfeit and pay to the said mayor, aldermen and citizens, any sum of money, not exceeding five hundred pounds, to be sued for and recovered in any court of record.

[SECT. XLII. Obsolete.]

31. SECT. XLIII. [The said mayor, aldermen and common councilmen,] shall, once in every year, cause to be published, a just and true account of all the monies which shall have accrued to them, in their corporate capacity, during the year next preceding such publication, and also of the disposition thereof; and shall also lay a copy thereof before the general assembly.

32. SECT. XLIV. As often as any doubts shall arise touching this act, the same shall, in all courts of law and equity, and elsewhere, be construed and taken most favourably for the said corporation.

Act of April 2, 1790.

A further supplement to the Act, entitled "An Act to incorporate the city of Philadelphia."—1 Smith, 526.

WHEREAS the power of appointing collectors of the taxes for paving, lighting and watching the streets of the city of Philadelphia, was formerly vested in the city assessors, and since those officers have been by law directed no longer to be chosen, the authority of appointing such collectors has elapsed: *And whereas*, by the thirty-fifth section of the act to incorporate the city of Philadelphia, the mayor, recorder, aldermen and common councilmen are empowered to execute and perform all such matters and things, as the wardens and street commissioners were, at and immediately before the passing of the said act, respectively authorized and enabled by law to do; and by the thirty-sixth section of the said act, the mayor or recorder, and four of the aldermen, are empowered to do and perform all such matters and things, as the said wardens and street commissioners were, respectively, at and immediately before the enacting the said act, authorized and enabled by law to do and perform, in conjunction with any justice or justices of the peace of and for the city and county of Philadelphia, or either of them: *And whereas* it will be more convenient and beneficial, that, instead of separating and dividing the abovementioned powers, as the said act directs, that the whole of the said powers should be vested in and exercised by such person or persons, and in such manner as the said mayor or recorder, aldermen and common councilmen, in common council assembled, shall regulate, ordain, enact or appoint: *And whereas* some of the existing laws, relative to the paving, lighting and watching the streets of the city of Philadelphia, contain regulations which are now somewhat inconvenient, and others which may be improved: Wherefore it will be most convenient and proper to invest the said mayor, aldermen and citizens of Philadelphia, with the power of legislating, estimating and

raising of taxes, so far as respects the lighting, watching, watering, pitching, paving and cleaning the streets of the city, unrestrained by any of the said existing laws relative thereto.

33. **SECT. II.** *Be it therefore enacted, &c.* That from and after the passing of this act, [the mayor, recorder, aldermen and common councilmen, in common council assembled,] shall have full power and authority to make, ordain, constitute and establish, such and so many laws, ordinances, regulations and constitutions, as shall be convenient and necessary for the purposes of estimating, assessing, raising and levying of taxes upon the persons of single men, and upon the estates, real and personal, of the inhabitants of the city of Philadelphia, for the purposes of lighting, watching, watering, pitching, paving and cleansing of the streets, lanes and alleys of the said city, and directing, appointing and regulating the time, order and manner of estimating, assessing, raising, levying and collecting of the said taxes, and of lighting, watching, watering, pitching, paving and cleansing the said streets, lanes and alleys, any law of the general assembly of Pennsylvania, heretofore made, to the contrary, in anywise, notwithstanding.

34. **SECT. III.** *And whereas,* by acts of assembly existing at the time the said act to incorporate the city of Philadelphia was enacted, the late wardens of the city, with two justices of the peace, were empowered to regulate and fix the rates and prices to be taken by wagoners, carters, draymen, porters and wood-sawyers: *And whereas* it is reasonable that the prices and rates to be taken by chimney-sweepers should be regulated by the mayor, aldermen and citizens of Philadelphia, and that all the various powers and authorities, which at the time of making the said act to incorporate the city of Philadelphia, were vested in the said wardens and street commissioners, jointly or severally, or which were vested in the said wardens and street commissioners, respectively, in conjunction with one or more justice or justices of the peace for the city and county of Philadelphia, should be vested in the said mayor, aldermen and citizens of Philadelphia: *Therefore, be it further enacted,* That from and after the enacting hereof, [the mayor, recorder, aldermen and common councilmen, in common council assembled,] shall have full power and authority to make, ordain, constitute and establish, such and so many laws, ordinances, regulations and constitutions, as shall be necessary and convenient for the purposes of fixing, ascertaining and regulating from time to time, the rates and prices which shall be demanded and received by wagoners, carters, draymen, porters, wood-sawyers, and chimney-sweepers, for each and every labour and service which they shall respectively do and perform within the said city of Philadelphia; and also for the doing, performing and executing all and every other power, authority, act, matter and thing whatsoever, which the said wardens and street commissioners separately of themselves, or they, or either of them, in conjunction with one or more justice or jus-

tices of the peace, or with any other person or persons whatsoever, were authorized and empowered, or might or could lawfully do or perform, by or under any laws in force at the time the act to incorporate the city of Philadelphia was made. [*Post A. A.* 40, 48.]

SECT. IV. So much of the thirty-fifth and thirty-sixth sections of the act to incorporate the city of Philadelphia, as is by this act altered or supplied, is hereby declared to be repealed. [*Provided nevertheless*, That the consent and approbation of the mayor or recorder, and of a majority of the aldermen, and also of the common councilmen, who shall from time to time be present, and in common council assembled, shall be necessary to the making, ordaining or establishing of all such rules, regulations, appointments, laws, ordinances and constitutions, as the said mayor, recorder, aldermen and common councilmen, in common council assembled, shall make, ordain and establish; *obsolete*.]

Act of March 8, 1792.

A further supplement to the act to incorporate the city of Philadelphia.—
3 Smith, 62.

WHEREAS, by the act to incorporate the city of Philadelphia, there is no provision made that the mayor, aldermen and citizens of Philadelphia, may accept the resignation of any of their members, nor are they authorized to cause elections to be held to supply the vacancies which may happen from various causes: In order to prevent the inconveniences which may follow from the want of a due provision in such cases,

35. SECT. I. *Be it enacted, &c.* That the mayor, aldermen, and Citizens of Philadelphia, in common council assembled, shall be, and they are hereby authorized to receive and accept the resignations of such of their members as shall from time to time make the same; and that from and after their acceptance of such resignations, the persons who shall so resign, and whose resignations shall be so accepted, shall no longer be members of the said corporation.

36. SECT. II. In order to fill up any vacancy, which may happen by death, resignation, or otherwise, it shall and may be lawful for the mayor, or recorder, for the time being, whenever he shall be thereto required by a vote of the [mayor, aldermen, and citizens of Philadelphia, in common council assembled,] to issue a writ, under his hand, and the seal of the said corporation, directed to the sheriff of the city and county of Philadelphia, commanding him, on such day and at such place, in the said city, as shall be therein named, to cause an election to be held for so many [aldermen or] common councilmen, [or both] as may be necessary to supply the said vacancies; and the said sheriff is hereby enjoined and required to give public notice of the time and place of holding such elections, which shall in all other respects be held, conducted and regulated, agreeably to the directions and provisions contained in the act to incor-

porate the city of Philadelphia; and the judges of such elections shall make their returns of the persons who shall be chosen, as [aldermen or] common councilmen, to the [aldermen or] common councilmen for the time being, who shall have the same powers of judging of the election of members of their boards, as the act above referred to gives to them respectively; and when it shall be determined who are the persons duly elected, they shall be qualified according to the directions of the said act, and shall be [aldermen and] common councilmen for the city of Philadelphia, and shall be vested with all the powers, rights and authorities, which by law to them respectively do or shall belong and appertain; and shall continue to be [aldermen and] common councilmen until the next general election under the said law. [*This act appears to be in a great measure rendered obsolete by the supplement to the act of incorporation, post 38,—43.*]

Act of April 22, 1794.

An Act for establishing an health-office, for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers.—3 Uall. St. Laws, p. 553.

37. SECT. XXI. The mayor, aldermen and citizens of Philadelphia in common council assembled, shall have power, by their ordinance for that purpose, to prohibit any future interments within such parts of the city of Philadelphia, wherein they shall judge such prohibition necessary, and to impose such fines for any breach of such ordinance, as they may deem necessary. [*See Interments.*]

Act of April 4, 1796.

An Act to alter and amend the several acts of the general assembly of this commonwealth, incorporating the city of Philadelphia.—3 Smith, 272.

WHEREAS many of the citizens of Philadelphia have prayed for such alterations in their charter of incorporation, as that it may be rendered more similar to the frame of government of this commonwealth, and it is reasonable that the prayer of their petitions should be granted: Therefore,

38. SECT. I. *Be it enacted, &c.* That the freemen of the city of Philadelphia, qualified to elect members of the general assembly of this commonwealth, shall meet together on the second Tuesday of October next, and on the same day yearly thereafter, and elect, by ballot, twenty persons, qualified to serve as members of the house of representatives of this commonwealth, to be members of the common council for the said city, for the year next ensuing their election.

39. SECT. II. The said freemen shall, on the said second Tuesday of October next, also elect, by ballot, twelve persons, qualified to serve as senators of this commonwealth, to be members of the select council of the said city, who shall forthwith after their election divide themselves, by lot, into three classes; the seats of the first class shall be vacated at the expiration of the first year; of the second

class at the expiration of the second year; and of the third class at the expiration of the third year; so that one third may be chosen every year.

40. SECT. III. The whole legislative power of the corporation of the said city shall be exclusively vested in the said select and common councils, who shall perform all legislative acts, as separate and distinct bodies, and shall exercise, possess and enjoy all and singular the legislative powers, which the mayor or aldermen, recorder and common council of the said city, in common council assembled, at present may or can lawfully and of right exercise, possess and enjoy.

41. SECT. IV. The governor shall appoint one recorder and fifteen aldermen for the said city, who shall hold their offices during good behaviour, and who shall exercise, possess and enjoy all and singular the powers and privileges now exercised, possessed and enjoyed, by the recorder and aldermen of the said city, and who shall meet together at such times as may be proper, for the purpose of exercising the powers and privileges aforesaid, legislative powers only excepted.

42. SECT. V. The members of the select and common councils shall, on the third Tuesday of October next, and on the same day yearly thereafter, meet together, and elect, *viva voce*, one of the said aldermen as mayor of the said city, whose duty (besides that of an alderman of the said city) shall be to preside in the mayor's court, when present, to promulgate the by-laws, rules and ordinances of the corporation, and to pay a special attention to the due execution and fulfilment of the same, and who shall be entitled to receive, hold and enjoy all the emoluments now attached to the office of mayor, or which, by the laws and ordinances of the corporation, may be hereafter annexed to the same. [*See post A. A. 49.*]

43. SECT. VI. That the doors of the respective halls of the said select and common councils shall be open, for the admission of all peaceable and orderly persons, who shall be desirous of being present at the discussion of any by-laws, ordinances, rules, or regulations, for the welfare and good government of the city.

SECT. VII. [The aldermen which shall be chosen at the election to be held on the first Tuesday in April, in this present year, and the mayor and recorder which shall be chosen by the said aldermen, agreeably to the laws now in force, shall hold their several and respective offices until the second Tuesday in October next, and no longer;] and from and after the second Tuesday in October next, so much of the act of the general assembly of this commonwealth, entitled "An Act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine, and of any and every supplement thereto, as is hereby altered and supplied, and no more, shall be thenceforth repealed.

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Act of April 11, 1799.

An Act to supply certain defects in the acts incorporating the city of Philadelphia, and sundry towns and boroughs within this commonwealth, and to explain and amend an act, entitled "An Act to alter and amend the several acts of the general assembly of this commonwealth, incorporating the city of Philadelphia, and for other purposes."—3 Smith, 390.

WHEREAS the ordinances and by-laws of the city of Philadelphia and of sundry other incorporated towns and boroughs within this commonwealth, impose, in certain cases, fines, penalties, and forfeitures, which inure to the benefit of the said corporations, respectively, by reason whereof it has been held that none of the freemen of the said corporations are competent to prove the breach of the said ordinances and by-laws, and the accruing of such fines, forfeitures, and penalties, or to hear, judge, and determine respecting the same, inasmuch as the same would operate a diminution of their share of contribution for supporting such corporation: *And whereas* it would be in all cases difficult, and in many instances impracticable, to prove such breaches by any other testimony, or to hear, judge, and determine respecting the same, before any other than judges or jurors liable to such exception, and the interest of each individual in the application of such fines, forfeitures, and penalties, is too remote and inconsiderable to give an improper bias to his testimony, judgment, or verdict respecting the same: Therefore, for furtherance of justice, and the due enforcement of wholesome regulations,

44. SECT. I. *Be it enacted, &c.* That from and after the passing of this act, no freeman of the city of Philadelphia, or of any other incorporated town or borough within this commonwealth, nor any other person, otherwise competent to give testimony respecting the breach of any ordinances, by-laws, or regulations of the said city of Philadelphia, or any such other incorporated town or borough, shall be excluded from giving testimony respecting the same, by reason that the fine, forfeiture or penalty, imposed for such breach, is or may be appropriated in aid of the funds of such corporation; but every such person, otherwise competent, shall be admitted to give testimony, as fully as though he or she were not resident within the bounds, or a partaker in the interests of such city, town, or borough: *Provided*, That nothing herein contained shall authorize any person or persons who receive alms, or any pension or gift, out of the funds in aid of which any of the said fines, forfeitures, or penalties are appropriated, to give testimony touching the breach of such ordinances or by-laws, and the accruing of such fines, forfeitures, and penalties.

45. SECT. II. No court, aldermen, or burgesses, otherwise by the laws of this commonwealth qualified and authorized to hear, judge, and determine, respecting the breach of any such ordinances or by-laws, and the accruing of such fines, forfeitures, and penalties, shall be disqualified to hear, judge, and determine the same, by

reason of the interest they, as members of such borough or corporation, may have in the said fines, forfeitures, and penalties, but shall have as full, perfect, and complete jurisdiction, respecting the same, as if no such fine, forfeiture or penalty were to be incurred, or they had no such interest in the same.

46. SECT. III. *And whereas* the freemen and citizens of the city of Philadelphia only are competent and compellable to serve in the courts of the said city, held by the mayor, recorder and aldermen, as justices of the peace, and justices of oyer and terminer and gaol delivery: Therefore, *Be it further enacted*, That in all prosecutions and proceedings before the said mayor, recorder and aldermen of the said city, for or respecting the breach of any ordinances, bye-laws or regulations of the said city, the said freemen and citizens of the said city shall be competent to be jurymen on such prosecutions and proceedings, and the trials thereof; and no exception shall be allowed against the said freemen or citizens, either to the array or the polls, for or by reason that the same fine, forfeiture or penalty, imposed for such breach, is expressly or by implication forfeited to the said corporation, or is or may be appropriated in aid of the funds of the said city, or for the use thereof, in the same manner, and under like rules and regulations, as if the said fines, penalties and forfeitures had not been appropriated, and were not to accrue to the use of the corporation of the said city.

47. SECT. IV. *And whereas* doubts have arisen upon the construction of the act, entitled "An act to alter and amend the several acts of the general assembly of this commonwealth, incorporating the city of Philadelphia," and it is necessary that the same be explained and amended: *Be it further enacted*, That the mayor of the city of Philadelphia shall appoint all and every the officer and officers of the corporation, whose authorities and powers shall have been, or hereafter shall be, given or established by any resolution or ordinance by the select and common councils of the said city of Philadelphia, excepting only [the treasurer of the corporation,] and the clerks, messengers and door-keepers of the said councils, who shall be appointed as heretofore.—[*Treasurer to be elected by the joint votes of the select and common councils; see Treasurer, A. A. 1.*]

48. SECT. V. The select and common councils shall have all and singular the powers and authorities, rights and privileges, incident to the corporation, and to the well governing thereof, which were formerly vested in the mayor, aldermen and common council, by an act, entitled "An act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine, which are not otherwise by law directed and provided for.

49. SECT. VI. Whenever the office of mayor shall become vacant, by death, resignation, or otherwise, it shall be lawful for the

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select and common councils of the city of Philadelphia, as soon as conveniently may be after such vacancy shall so happen, to assemble together, and elect a mayor, in the manner directed by law in ordinary cases, and the mayor so chosen shall continue in office until the third Tuesday in October next succeeding such election, and no longer; and that in case of any vacancy happening by the death, resignation, or otherwise, of any member of the select council, such vacancy shall be supplied at the next general election, and the person chosen shall serve the residue period of time, and in the class of such person, whose vacancy he may be chosen to fill.

SECT. VII. [Temporary and obsolete.]

50. SECT. VIII. From and after the passing of this act, the mayor and recorder of the city of Philadelphia, respectively, shall be, and they are severally hereby empowered and authorized to take acknowledgments of deeds for lands or other real estate in any part of this commonwealth; and for taking every such acknowledgment, either of the said officers so taking the same shall be entitled to receive [thirty-seven cents and an half,] and no more.—[*This fee was reduced to twelve and an half cents by Act of February 22, 1821.*]

Act of March 3, 1800.

An Act to authorize the corporations of the city of Philadelphia and the district of Southwark to enrol their public ordinances in the office for recording of deeds in the county of Philadelphia.—3 Smith, 417.

51. SECT. I. From and after the passing of this act the Corporation of the city of Philadelphia and the district of Southwark are hereby authorized and directed to enrol their public ordinances in the office for recording of deeds in the county of Philadelphia under the same restrictions and regulations, and at the same rates and fees as are allowed the master of the rolls for recording the Laws of this Commonwealth as heretofore provided by an act entitled "An act to incorporate the city of Philadelphia" passed the 11th day of March, 1789, and also an act entitled "An act to incorporate the district of Southwark" passed the 18th day of April 1794, any thing in any former laws to the contrary, in any wise notwithstanding.

Act of February 18, 1805.

A further supplement to the act, entitled, "An act to incorporate the city of Philadelphia."—7 Bioren's St. Laws, p. 413.

Whereas by the removal of the seat of government from the city of Philadelphia, it has become inconvenient to present the mayor elect to the governor to take the oath or affirmation prescribed

by law, previously to his entering upon the duties of the said office: Therefore,

52. SECT. I. *Be it enacted*, That it shall and may be lawful for any of the judges of the supreme court, or the president of the court of common pleas of the first district, to administer the oath or affirmation prescribed by law, to the mayor elect, previously to his entering upon the duties of the said office.

53. SECT. II. In case of the indisposition of the mayor, or of his absence from the said city, it shall and may be lawful for the recorder, or any of the aldermen of the said city, to administer an oath or affirmation to each of the members elect of the select and common councils, well and faithfully to execute the duties of the respective offices to which they may have been elected.

54. SECT. III. From and after the passing of this act, no alderman of the city of Philadelphia, nor any person holding any office of trust or profit under the laws of this commonwealth, or the ordinances of the select or common councils, the emolument whereof is paid out of the treasury of the said city, shall be competent to serve as a member of the select or common councils.

Act of March 25, 1805.

An act vesting in the select and common councils of the city of Philadelphia, and the corporation of the district of Southwark, and the commissioners of the incorporated part of the Northern Liberties, respectively, all and every the powers of regulating the markets, in the said city and districts aforesaid, holden on the first day of the week, commonly called Sunday.—7 Bioren's St. Laws. p. 469.

55. SECT. I. It shall be lawful for the select and common councils of the city of Philadelphia, and the corporation of the district of Southwark, and the commissioners of the incorporated part of the Northern Liberties, respectively, to make, ordain, and pass, such ordinance or ordinances as they may judge proper, for the better regulation of the markets holden in the said city and districts aforesaid, on the first day of the week, commonly called Sunday.

SECT. II. So much of the act passed the twenty-second day of April, one thousand seven hundred and ninety-four, entitled "An act for the prevention of vice and immorality, and for other purposes," as relates to the sale of the necessaries of life, on the first day of the week, commonly called Sunday, so far as it respects the city and districts aforesaid, is repealed.

Act of March 18, 1814.

A further supplement to an act for acknowledging and recording of deeds.

56. SECT. I. Each alderman of the city of Philadelphia, and justice of the peace of this commonwealth shall have power to take and receive the acknowledgment or proof of all deeds, con-

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veyances, mortgages, or other instruments of writing, touching or concerning any lands, tenements, or hereditaments, situate, lying, and being in any part of this state, and also power to take and receive the separate examination of any feme covert touching or concerning her right of dower, or the conveyance of her estate, or right in or to any such lands, tenements, or hereditaments, as fully to all intents and purposes whatsoever, as any judge of the supreme court, or president or associate judge of any of the courts of common pleas within this commonwealth.

Act of March 5, 1816.

A supplement to the act, entitled "An act to incorporate the city of Philadelphia."

57. From and after the passing of this act, the mayor, recorder, and aldermen of the city of Philadelphia, or any three or more of them, whereof the mayor or recorder for the time being, shall be one, shall have full power and authority, and they are hereby vested with full power and authority to hold the mayor's court for the city of Philadelphia, as fully and effectually as the said mayor, recorder, and aldermen, or any four of them might or could do by virtue of the twentieth section of the act to which this is a supplement, and generally to do, execute and perform all and singular the powers and authority vested in the said mayor, recorder and aldermen by the said twentieth section of the act aforesaid.

Act of January 9, 1817.

An act to empower the mayor and recorder of the city of Philadelphia to take the proof of deeds, and for other purposes.

58. **SECT. I.** The mayor and recorder of the city of Philadelphia shall have power and authority to take the proof of all deeds, conveyances, mortgages, or other instruments of writing, touching or concerning any lands, tenements or hereditaments, situate, lying and being in any part of the commonwealth, and may take and receive the same fees as by law they are now severally entitled to receive for taking the acknowledgments of the same, which probates shall have the like force and effects as if the same were proved before a judge of the supreme court, or any judge of the court of common pleas within this commonwealth.

59. **SECT. II.** The recorder of the city of Philadelphia shall have power to issue writs of habeas corpus, and to give relief thereon in the manner and as fully as the president, or any associate judge of a court of common pleas in this commonwealth, at present may or can do by virtue of an act of assembly entitled "an act for the better securing personal liberty and preventing unlawful imprisonment," and under the like restrictions and penalties.

60. **SECT. III.** It shall and may be lawful for the recorder, or any alderman of the city of Philadelphia, to administer the oath

or affirmation prescribed by law to the mayor elect, previous to his entering upon the duties of the said office.

Act of March 27, 1820.

A supplement to the act, entitled "An act to incorporate the city of Philadelphia."

61. SECT. I. The recorder of the city of Philadelphia shall annually receive out of the state treasury the sum of nine hundred dollars, to be paid quarterly, as a compensation for his service.

ORDINANCES.

Ordinance of December 20, 1805.

An ordinance to increase the salaries of the mayor and recorder of the city of Philadelphia.

Whereas the business of the mayor's court of the city of Philadelphia, and other duties requiring the time and services of the mayor and recorder respectively, have considerably increased with the population and improvements of the said city, and it is proper that the said officers should receive an adequate compensation for their respective services: Therefore,

1. SECT. I. *Be it ordained and enacted*, That the annual compensation of the mayor of the city of Philadelphia, commencing and computed from the twenty-fifth day of October, in the year one thousand eight hundred and five, shall be the sum of two thousand dollars.

SECT. II. [Recorder's salary; supplied *post* 2.]

SECT. III. So much of any ordinance or ordinances heretofore passed, as fixes the salaries of any of the said officers at a less sum than is herein specified, be, and the same is hereby repealed and made void.

Ordinance of December 16, 1819.

An ordinance establishing the compensation of certain officers, and for other purposes.

2. SECT. I. There shall be allowed to the officers hereinafter mentioned, the following annual compensation, to commence from the first day of January next, to be paid quarterly by orders drawn in the manner prescribed by law, on the treasurer of this corporation.

To the recorder twelve hundred and fifty dollars.—[*The provisions of this section relating to other officers will be found under proper titles.*]

SECT. II. From and after the first day of January, 1820, so much of any ordinance or ordinances as fixes the salaries of any

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of the aforesaid officers is hereby repealed and made null and void.

NOTE.

In a strict legal sense, the recorder of Philadelphia is a judge. But he is not such a judge as the constitution of the state (Art. 2 Sect. VIII.) meant to prohibit from holding at the same time an office of trust or profit under the United States. *Commonwealth v. Dallas*, 3 Yeates, 300, S. C., Dall. 229. The offices have been since rendered incompetent by Act of February 12, 1802.—3 Smith, 485.

If the ordinances of the city of Philadelphia are in collision with an act of congress, the former must give way. *United States v. John Hart*, 1 Peters 390.

Calverts and Common Sewers.

ACT OF ASSEMBLY.

Regulation of common sewers and	1	Compensation to owners,	1
descent of water courses,	1	Authority to enter on private	
When to run through private		ground,	2
ground,	1	Penalty on obstructing sewers,	3

ORDINANCE.

No opening to be made into them from any vault, &c. 1.

Act of February 18, 1769.

[1 Smith, 284.]

1. SECT. IV. The said mayor or recorder, and four aldermen, together with any four of the regulators of the said city, for the time being, shall appoint and direct the regulation of the said streets, lanes and alleys, and common sewers, with the degree of descent of each water course. *Provided always*, That no common sewer or water course, to be laid out, shall be so regulated and laid out, as to run through any lot or ground belonging to any private person or persons, unless the same shall be agreed to and approved of by at least four of the said commissioners; and in every such case, that the damages sustained, or to be sustained, by reason thereof, by such private owner or owners, shall be valued and appraised by two indifferent persons, one of them to be chosen by the said commissioners, and the other by such owner or owners; and also that the said damages shall be paid to such owner, by order of the said commissioners, out of the monies arising by virtue of this act.

2. SECT. V. The said mayor or recorder, aldermen and regulators, shall have full power and authority to enter upon the lots,

grounds and possessions of any person or persons, bodies politic or corporate, through which the said common sewers do or ought to run, to regulate them; and the said commissioners to make, amend and repair the same; provided that such common sewers be regulated, made, amended and repaired, with as little detriment and injury as may be to the said owners and possessors of such lots, grounds and possessions.

3. SECT. VI. If any person or persons whatsoever shall wilfully stop up or obstruct the passage of the waters of any of the common sewers already made, or hereafter to be made, within the said city, he or they so offending shall forfeit and pay, for every such offence, any sum, not exceeding the sum of twenty-five pounds.

ORDINANCE.

Ordinance of September 12, 1822.

An ordinance providing for the construction of a culvert in Seventh street from the north side of High street, to unite with the present culvert between Chestnut and George streets, and for other purposes.

1. SECT. III. No passage or communication from any vault, sink, privy or otherwise, shall be made or opened within the city of Philadelphia, into any culvert or common sewer now constructed, or which may hereafter be constructed; and every person making or opening any such passage or communication, shall forfeit and pay, for every such offence, the sum of fifty dollars, together with the amount of the expense of repairing and stopping up the same, to be recovered with costs for the use of the city, before the mayor, recorder or any alderman of the city.

SECT. IV. So much of any ordinance or ordinances as is hereby supplied, is hereby repealed.

Dogs.

ORDINANCES.

Dogs not to run at large,	3	Penalty on obstructing,	1
To be seized and how disposed of,	3	Expenses, how to be defrayed,	2

ORDINANCES.

Ordinance of June 10, 1819.

An ordinance for preventing dogs from running at large in the city of Philadelphia.

[SECT. I. Provided for killing dogs found running at large, repealed and supplied, *post* 4.]

1. SECT. II. Any person who shall molest or obstruct the said high constables, or other persons so to be appointed, as aforesaid, in carrying into effect the provisions contained in this ordinance, shall be liable to forfeit and pay the sum of one hundred dollars for every such offence, to be sued for and recovered with costs, before the mayor or any alderman of the city, one half thereof to the use of the person suing for the same, and the other half thereof to the use of the mayor, aldermen and citizens of Philadelphia.

2. SECT. III. The mayor is hereby authorized to pay any expenses that may arise in enforcing this ordinance, by orders drawn by him on the city treasurer, and charge the same to appropriation No. 21.

Ordinance of June 14, 1821.

A supplement to an ordinance, passed June 10, 1819, entitled "An ordinance for preventing dogs from running at large in the city of Philadelphia."

3. SECT. I. From and after the passage of this ordinance, it shall not be lawful for any dog to run at large in the city of Philadelphia, and every dog found at large therein shall be liable to be seized by the high constable or such other persons as the mayor of the city may for that purpose appoint, which constables or persons so to be appointed shall cause the dogs by them seized to be removed without the inhabited parts of the city, and there safely kept in some place of suitable deposit to be provided by the mayor, for the space of forty-eight hours, during which period they shall be supplied with sufficient food and water, and it shall be lawful for the owner or the agent of the owner of any dog or dogs so removed and deposited, to redeem any dog or dogs upon payment of *five dollars* for each dog so redeemed, one half of which sum shall be for the use of the city, and the remaining half for the use of the person or persons by whom the dog or dogs so redeemed was or were seized; and every dog which shall not be so redeemed, shall, after the expiration of the said forty-eight hours, be killed and buried, and for every dog so killed and buried, the said constables or other persons shall receive the sum of one dollar, to be paid as is provided by the ordinance to which this is a supplement.

SECT. II. So much of the ordinance to which this is a supplement, as is inconsistent here with, is hereby repealed.

Drawbridge Lot.

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ACT OF ASSEMBLY.

Lot vested in the Corporation, 1 | Freed from original use, 1

Act of February 25, 1818.

An Act vesting in the corporation of the city of Philadelphia a certain lot of ground for the purposes therein mentioned.

Whereas it is represented to the legislature that by the original charter of incorporation from William Penn to the city of Philadelphia, dated the twenty-fifth day of October in the year of our Lord seventeen hundred and one, a piece of ground described as a swamp between Budd's buildings and Society Hill, and lying at the southern extremity of Dock-street and bounding on Front and Spruce streets, was granted to the said city to be left open and common for the use and service of the same, with liberty to dig docks and make harbours for ships and vessels in all or any part of the said swamp. And whereas the right to grant the said swamp to the city at the date of the charter appears to have been doubtful, the ground having been previously covered by the survey of John Marsh, one of the first purchasers from the proprietary, and about sixty years since Thomas Penn, then proprietor of Pennsylvania, having purchased the title of the said John Marsh by a patent reciting the previous grant by charter to the city, and setting forth his desire to comply with the intention of his deceased ancestor as therein expressed, granted and confirmed the premises to the corporation of the city for the same uses and purposes as were stated in the same charter. And whereas in process of time the said swamp hath become fast land, and is now several feet higher than the highest tides of the river, that it is encompassed on all sides by buildings, and separated from the Delaware by Front and Water streets so that shipping cannot approach nearer to it than about two hundred and fifty feet; for which reasons it hath been found impracticable to use the same for the purposes originally designed, and it now being an entirely vacant lot, it is useless to the city, and in some degree a nuisance to the inhabitants of its vicinity. And whereas the select and common councils of the said city, by their petition to the legislature have prayed that the said lot of ground may be liberated from the use stated in the said original charter and patent of confirmation.

Therefore,

1. *Be it enacted, &c.* That a certain lot of ground described in the original charter of incorporation from William Penn to the city of Philadelphia, dated twenty-fifth day of October seventeen hundred and one, as a swamp between Budd's buildings and Society Hill, and lying at the southern extremity of Dock-street, and bounding on Front and Spruce streets in the said city, is hereby vested in the corporation of the mayor, aldermen and citizens of Philadelphia, freed and discharged from the use stated in

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Fire-Companies.

the said original charter, and in a patent of confirmation of Thomas Penn, then proprietary of Pennsylvania.

Fire-Buckets.

ACT OF ASSEMBLY.

Corporation authorized to enforce the keeping of fire-buckets, 1

Act of April 18, 1795.

An act to empower the corporation of the city of Philadelphia to oblige the owners and occupiers of houses in the said city to provide buckets, to be used in extinguishing fires.—3 Smith, 245.

1. The [mayor, recorder, aldermen, and common councilmen of the city of Philadelphia, in common council assembled,] shall have full power and authority to make and establish any law, ordinance or regulation, to oblige the owners and occupiers of houses in the said city to provide, and keep in repair, any number of leathern buckets, not exceeding six, to be used only in extinguishing fires.—[*The whole legislative power of the city vested in the select and common councils; see Corporation, A. A. 40.*]

Fire-Companies.

ORDINANCES.

Fire associations to receive permits for use of water,	1	To be revoked on misuse,	1
		Annual allowance to them,	2

Ordinance of August 10, 1809.

A further supplement to "An ordinance for regulating the distribution of water in the city of Philadelphia."

1. SECT. I. The watering committee are hereby directed, on application made by any fire associations, to grant to such association a permit for the use of the hydrant water, for the purposes of trying, cleansing, or otherwise preparing their hose or engines: which permit shall continue in full force for one year from the date thereof, and shall protect such association from the penalties of the ordinance to which this is a supplement. *Provided always*, That if it shall at any time appear that the said fire associations, or either of them, have wantonly misused or wasted the said water, it shall be in the power of the committee, appointed by councils to superintend and distribute the water, to revoke said permits respectively.

Ordinance of May 17, 1813.

An ordinance granting aid to the fire hose, engine, and other companies in the city.

2. SECT. I. That the sum of two thousand dollars for the present, and a like sum for each succeeding year, be paid, on or before the first day of October, in each year, to the fire hose and engine companies, and the Philadelphia society for the protection of moveable property in time of fire, now formed, and which may hereafter be formed, and continue within the city, for the purpose of keeping their respective fire hose, engine, and other apparatus in effective and useful condition, in such proportions as shall be respectively assigned to them by the watering committee, whose duty it shall be to apportion the said sum amongst them annually, according to the respective necessities of the said companies and society, and to certify the same to the mayor of the city for the time being, at least five days previous to the first day of October, in each and every year, who is thereupon authorized to draw his warrants on the treasurer, and to direct the drafts for the present year to be charged to appropriation No. 17.

Firing of Guns, and Fire-Works.

ACTS OF ASSEMBLY.

Penalty on firing guns, making,		Constables to inform,	5
selling, or setting off fire-works,	1	Appeal,	6
On shooting fowl,	2	Limitation of suits,	7
On firing guns, or setting off fire-works at certain times,	3, 4		

ORDINANCES.

Penalty on discharging ordnance, or illuminating without mayor's permission,	1	On permitting it at houses,	4
On throwing fire-works,	2	Penalty on making bonfires,	5
On discharging fire-arms,	3	Penalties how recovered and appropriated,	6

ACTS OF ASSEMBLY.

Act of August 26, 1721.

An act for preventing accidents that may happen by fire.—1 Smith, 129.

1. SECT. IV. And whereas much mischief may happen by shooting of guns, throwing, casting and firing of squibs, serpents, rockets, and other fire-works, within the city of Philadelphia, if not speedily prevented: *Be it therefore enacted*, That if any person or persons, of what sex, age, degree or quality soever, from and after publication hereof, shall fire any gun or other fire-arms,

Firing of Guns, &c.

or shall make, or cause to be made, or sell or utter, or offer to expose to sale, any squibs, rockets, or other fire-works, or shall cast, throw or fire, any squibs, rockets, or other fire-works, within the city of Philadelphia, without the governor's special license for the same, of which license due notice shall first be given to the mayor of the said city, such person or persons so offending, and being thereof convicted before any one justice of the peace of the said city, either by confession of the party so offending, or by the view of any of the said justices, or by the oath or affirmation of one or more witnesses, shall for every such offence forfeit and pay the sum of five shillings; one half to the use of the poor of the said city, and the other half to the use of him or them who shall prosecute, and cause such offender to be as aforesaid convicted; which forfeitures shall be levied by distress and sale of the offender's goods as aforesaid; and for want of such distress, if the offender refuse to pay the said forfeiture, he shall be committed to prison, for every such offence the space of two days, without bail or main-prize: *Provided*, That such conviction be made within ten days after such offence committed. [And if such offender be a negro or Indian slave, he shall, instead of imprisonment, be publicly whipped, at the discretion of the magistrate.]— [By Act of March 1, 1780, sec. VII. the crimes of negroes and mulattoes shall be tried and punished as the crimes of other inhabitants of this state. The office of justices of the peace of the city abolished, and aldermen substituted and invested with their powers; see Corporation, A. A. 15, 22.]

Act of April 9, 1760.

2. SECT. VII. No person whatsoever shall presume to shoot at, or kill with a fire arm, any pidgeon, dove, partridge, or other fowl, in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures, adjoining upon and belonging to any of the dwelling-houses within the limits of the said city, or suburbs thereof, or any of the boroughs or towns within this province, upon the forfeiture of forty shillings for every such offence, to be convicted in manner aforesaid.—[That is, upon the view of any justice of the peace, or by the oath or affirmation of any one or more witnesses, before any justice of the peace. The penalty, in the latter case, to be one half to the informer, and the other to the overseers of the poor; in the former case, the whole, to the overseers of the poor; to be levied by distress of the offender's goods, and for want of such distress, the offender to be imprisoned twenty days. See sections 6 and 9 of the act.]

Act of December 24, 1774.

An act to suppress the disorderly practice of firing guns, &c. on the times therein mentioned.—1 Smith, 421.

3. SECT. I. Whereas a disorderly practice prevails in many parts

of this province, of firing guns at or near new-year's-day, which is frequently attended with much mischief, and greatly disturbs the public peace: for remedy whereof for the future, *Be it enacted*, That if, after the publication of this act, any person or persons shall, on any thirty-first day of December, or first or second day of January, in every year, wantonly, and without reasonable occasion, discharge and fire off any hand gun, pistol or other fire arms, or shall cast, throw, or fire any squibs, rockets or other fire works, within the inhabited parts of this province, to the disturbance of any of his majesty's subjects there inhabiting and being, every such person so offending, and being thereof convicted before any one justice of the peace of the county, or mayor or other head officer, a justice of the peace of any city or town corporate, where such offence shall be committed, either by confession of the party so offending, or the oath or affirmation of one or more credible witnesses (which oath or affirmation the said justice or other officer aforesaid is hereby empowered and required to administer) shall for every such offence forfeit, for the use of the poor of the township or district where such offender lives, the sum of ten shillings, to be levied by distress and sale of the offender's goods and chattels, by warrant, under the hand and seal of the justice or other officer before whom such offender shall be convicted, returning the overplus, if any, to the owner, the reasonable charge of distraining being first deducted; and for want of such distress, such offender shall be committed to prison for the space of five days, without bail or main-prize.

4. SECT. II. If any person or persons, after the publication of this act, shall willingly permit or suffer, within the time aforesaid, any person or persons to discharge or fire off, at his or her house, any hand-gun, pistol, or other fire-arms, or to cast, throw or fire any squibs, rockets, or other fire-works, as aforesaid, every person so as aforesaid offending, and being thereof convicted in manner aforesaid, shall for every such offence forfeit and pay, for the use aforesaid, the sum of twenty shillings, to be recovered in manner aforesaid.

5. SECT. III. The constable of each respective city, borough, township or place, in every county of this province, having any knowledge of any offences against this act, shall, and he is hereby required, under the penalty of twenty shillings, to present, on oath or affirmation, every such offence, to one of the next justices of the peace of their respective counties, or before the justices of the general quarter sessions of the peace for the same county, together with the name or names of all such offenders, that they may be tried, agreeable to the directions of this act.

6. SECT. IV. *Provided always*, That if any person shall conceive him or herself aggrieved by the judgment of any such justice, he or she may appeal to the next county court of quarter sessions of the said county, who shall, on the petition of the party,

take such order therein, as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

7. SECT. V. *Provided always*, That no person or persons shall be prosecuted or troubled for any offence against this act, unless the same be prosecuted within four months after the offence committed.

ORDINANCES.

Ordinance of January 18, 1790.

An ordinance for the suppression of nuisances, and enforcing of useful regulations within the city of Philadelphia.

[For the other sections of this ordinance, see *Nuisances, and Carriages*.]

1. *And whereas* the firing of cannon, or other great pieces of artillery or ordnance, and the illuminating of houses within the city, on occasions of public rejoicing, have been attended with many great mischiefs and inconveniences: *It is therefore ordained and enacted*, That no person or persons whatsoever, shall fire or discharge any cannon, or other piece of artillery or ordnance, or illuminate, or cause or permit to be illuminated, any house within the built parts of this city, without the permission of the mayor of the city for the time being, first had and obtained in writing under his hand, under the penalty of forfeiting and paying, for every piece of cannon or other artillery or ordnance so fired, or house so illuminated, the sum of five dollars; all and every the fine and fines imposed by this ordinance shall be recoverable, with costs of suit, by any person who shall sue for the same, before the mayor, recorder, or any alderman of the said city, and shall go, one moiety to the person or persons who shall sue for the same, and the other moiety for the use of the city.

Ordinance of July 9, 1821.

A supplement to the ordinance, entitled, "An ordinance for the suppression of nuisances, and enforcing useful regulations within the city of Philadelphia."

2. SECT. I. If any person shall throw, cast, or fire, any squib, rocket, or other fire-works, in or into any of the streets, lanes, or alleys, of the city of Philadelphia, every such person shall forfeit and pay, for every such offence, the sum of five dollars.

3. SECT. II. If any person shall fire off or discharge wantonly, and without any reasonable cause, any gun, pistol, fowling-piece, or other fire-arms, at any place, or from any house, within the city of Philadelphia, or in any of the streets, alleys, or highways of the said city, such person shall forfeit and pay, for every such offence, the sum of five dollars.

4. SECT. III. If any person shall allow or permit any person to fire off or discharge, at or from his or her house, in the said

Funded Debt.

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city, any gun, pistol, or other fire-arms, every such person shall forfeit and pay, for every such offence, the sum of five dollars

5. SECT. IV. If any person shall make or assist to make any bonfire, or wantonly and unnecessarily burn any shavings or other combustible matter, in any of the public streets, alleys, wharves, or squares, in the said city, every such person shall forfeit and pay, for every such offence, the sum of five dollars.

6. SECT. XII. Each and every fine, forfeiture, and penalty, imposed by this ordinance, not otherwise provided for, shall and may be sued for and recovered, with costs of suit, before the mayor, recorder, or any alderman of the said city, and one half of every such fine, forfeiture, or penalty, so recovered as aforesaid, shall be appropriated to the use of the said city, and the other half thereof shall belong and go to the use of the person who shall sue for and recover the same, in the manner aforesaid.

SECT. XIII. Each and every part of any ordinance, inconsistent with the provisions of this ordinance, is hereby repealed.

Funded Debt.

ORDINANCES.

Loan for various objects, 50,000 dollars, payable in 1830, at 6 per cent.	1	market, 12,000 dollars, payable in 1827, at 5 per cent.	10
Loan for purchase of St. House, 70,000 dollars, payable in 1846, at 6 per cent.	2	Loan for culvert in Walnut-st. 7,500, payable in 1823, 4, 5, at 5 per cent.	11
Loan for purchase of water power, 150,000, payable in 1840, at 6 per cent.	4	Loan for rebuilding Jersey market, 8,000 dollars, payable in 1828, at 6 per cent.	13, 16
Loan for same object, 41,000 dollars, payable in 1840, at 6 per cent.	14, 15	Loan for laying iron pipes, 70,000 dollars, payable in 1833, at 6 per cent.	3, 6
Loan for works at Fair Mount, 200,000 dollars, payable in 1840, at 6 per cent.	5	Loan for same object, 15,000 dollars, payable in 1833, at 5 per cent.	9
Loan for paying off 6 per cent. loans, 386,000 dollars, payable in 1846, at 5 per cent.	7	Loan for same object, 75,000 dollars, not more than 25,000 in one year, payable in thirty years, at 5 per cent.	12
Loan for same object, 149,600 dollars, payable in 1831, at 5 per cent.	8	Limitation of interest extended to 6 per cent.	15
Loan for extending High-street		Certificates to be issued for certain debts redeemable in 1823	17

Ordinance of March 12, 1807.

1. SECT. III. WHEREAS, in the demands for the city services for the present year, there is to the amount of eighteen thousand dollars, for objects which are permanent improvements of, or additions to the city property, and not of ordinary or common ex-

Funded Debt.

pense, and which ought rather to be provided for by money borrowed than by a tax on the citizens—And whereas, it is advisable to transfer the debts owing by the city to the banks of Pennsylvania, Philadelphia and North America, to the funded debt or loan of the city; Wherefore, *Be it ordained and enacted*, That the mayor of the city be, and he is hereby authorised to borrow on loan, any sum or sums of money not exceeding fifty thousand dollars, and to issue therefor, certificates of one hundred dollars each, bearing an interest of not more than six per cent. per annum, which interest shall be made payable half-yearly, and the certificates so issued, shall be signed by the mayor, and countersigned by the treasurer, and shall be severally transferable by the subscribers or their legal attorney, executors, administrators or assigns, by indorsement thereon, at the office and in the presence of the treasurer for the time being; and shall not be paid or redeemed by the city (except with the consent of the holders thereof) before the first day of January, in the year one thousand eight hundred and thirty, and the monies so to be borrowed, shall be paid to the city treasurer, and applied by him to the following purposes, viz. first, to the payment of the appropriations herein after mentioned and numbered 20, 21, 22, amounting to eighteen thousand dollars; and the remainder of the monies so borrowed, shall be applied towards paying the debts due to the several banks above mentioned, and the balance which may be due to the said banks, or either of them, after such payments are made, shall be paid by the treasurer, out of the proceeds of the tax fund of the year one thousand eight hundred and two, and the same funds and means which are pledged for the payment of the interest, and redemption of the principal, of the city loans heretofore made, are hereby pledged for the payment of the interest in manner aforesaid, and final redemption of the principal of the loan to be made by virtue of this ordinance.

Ordinance of April 11, 1816.

An ordinance providing for the purchase of the State House and State House square in the city of Philadelphia, and raising the fund to make payment therefor.

2. **SECT. II.** For the purpose of carrying into effect any contract made by virtue of this ordinance, the mayor of the city for the time being, shall be and he hereby is authorized to obtain upon loan, in the name and on behalf of this corporation, such sums not exceeding in the whole seventy thousand dollars, as may be necessary to pay and discharge the consideration of the said purchase.

SECT. III. The loans to be made for the purpose aforesaid, shall be divided into certificates of five hundred dollars each, bearing interest at the rate of six per cent. per annum, payable from their respective dates to the first day of January next following, on the said first day of January, and from thence forward

half yearly, on the first day of the months of July and January, which certificates shall be issued and shall be transferable in the manner pointed out by existing ordinances, and shall not be redeemable until after the first day of January, one thousand eight hundred and forty-six. And in making loans under this ordinance, it shall be the duty of the mayor for the time being to fix the amounts to be obtained, the times at which the same shall be paid into the treasury of the city, and the form of certificates to be issued therefor; to issue advertisements, and receive proposals in the manner directed by the ordinance, entitled "A supplement to an ordinance for raising supplies and making appropriations for the services of the city, for the year one thousand eight hundred and seven;" and to draw upon the city treasurer for the said sums, and apply the same to the purchase aforesaid.

SECT. IV. For the security of the persons who may become holders of the loans hereby authorized, the State House aforesaid and the ground upon which it is erected shall be specifically pledged: And for the redemption of the said loans, any advance which may be obtained for the certificates aforesaid above their par value, together with one thousand dollars, out of the first money which shall come into the city treasury after the first day of January in each year, from the rents of the said State House, shall be carried to and form part of the sinking fund of the city, and shall be invested with and managed in the manner prescribed by the ordinances relative to the said fund.

Ordinance of December 17, 1818.

An ordinance empowering the mayor of the city to raise money to be applied to laying down iron pipes of conduit, from the water-works at Fair Mount.

3. SECT. I. The mayor of the city is hereby authorized to borrow, upon the credit of the corporation, and at an interest of not more than six per centum, per annum, any sums not exceeding in the whole seventy thousand dollars, to be applied to the laying down iron pipes of conduit for supplying the city with water from the reservoir at Fair Mount to and along the city, and that the water rents of the city and the income of the corporate estates (not already appropriated) shall be and the same hereby are pledged for the payment of the interest, and the repayment of the principal of all moneys which may be borrowed by virtue of this ordinance.

SECT. II. The monies to be raised by virtue of this ordinance shall be borrowed at such times and in such sums as may be fixed by the watering committee, and shall be placed in the treasury, subject to the drafts of the mayor, upon certificates granted by the chairman of the said committee in the usual manner.

SECT. III. For each sum borrowed by virtue of this ordinance, it shall be the duty of the mayor to issue a certificate to the lenders, specifying the amount borrowed; and the interest on the

same shall be paid half yearly, on the first day of January, and first day of July, which certificates shall be transferable in the same manner with the certificates of the funded debt of the city.—[*See post 6.*]

SECT. IV. The moneys which may be borrowed by virtue of this ordinance shall not be repaid without the consent of the persons holding the evidence thereof, before the first day of May, eighteen hundred and thirty-three.—[*See post 9.*]

Ordinance of April 8, 1819.

An ordinance empowering the watering committee to purchase from Josiah White and Joseph Gillingham their rights to the water power of the river Schuylkill, and also to raise money on loan for the purpose of erecting a dam and other works at or near Fair Mount.

4. SECT. I. The watering committee are hereby empowered to contract with and purchase from Josiah White and Joseph Gillingham, and all other persons interested therein, all their rights to the use of the water power of the river Schuylkill, above, at, and below the falls, according to a certain provisional agreement made between the said Josiah White and Joseph Gillingham and the watering committee. *Provided*, That the consideration of the purchase shall not exceed the sum of one hundred and fifty thousand dollars; for which amount, when the necessary and legal title shall be made, vesting in the mayor, aldermen and citizens of Philadelphia, the said water rights, the watering committee shall certify the same to the mayor, who shall issue his certificate or certificates in favour of the said Josiah White and Joseph Gillingham or others, bearing interest payable half yearly, redeemable at the pleasure of councils, in sums of not less than one thousand dollars at a time, and transferable in the same manner with the certificates of the funded debt of the city. *And provided also*, That in case the said Josiah White and Joseph Gillingham shall prefer to have in lieu of the certificates aforesaid, or any part thereof, certificates of one hundred dollars each, to bear interest and be transferable as aforesaid, and not to be redeemable until after the first day of January, Anno Domini eighteen hundred and forty, it shall be at their option so to do, upon paying into the city treasury a bonus of two per centum upon the so issued amount, which bonus shall become a part of the sinking fund of the city.

5. SECT. II. The mayor of the city is hereby authorised to borrow upon the credit of the corporation, and at an interest of not more than six per centum per annum, any sums not exceeding in the whole two hundred thousand dollars, to be applied to the erection of a dam, locks, mill-race, mill-houses and other works, at or near Fair Mount, for supplying the city with water; and the water rents of the city and the income of the corporate estate (not already appropriated) shall be, and the same are hereby

pledged for the payment of the interest, and repayment of all monies which may be borrowed by virtue of this ordinance, and of the certificates to be issued as provided for in the first section.

SECT. III. The monies to be raised by virtue of this ordinance shall be borrowed at such times and in such sums as may be fixed by the watering committee, and shall be placed in the treasury, subject to the drafts of the mayor, upon certificates granted by the chairman of the said committee in the usual manner.

SECT. IV. For each sum borrowed by virtue of this ordinance, it shall be the duty of the mayor to issue a certificate or certificates to the lenders, in sums of one hundred dollars each, and the interest on the same shall be paid half yearly, on the first of January and the first of July; which certificates shall be transferable in the same manner with the certificates of the funded debt of the city.

SECT. V. The monies which may be borrowed by virtue of the second section of this ordinance, shall not be repaid without the consent of the persons holding the evidence thereof, before the first day of January, one thousand eight hundred and forty.

Ordinance of April 22, 1819.

A supplement to the ordinance entitled "An ordinance empowering the mayor of the city to raise money to be applied to laying down iron pipes &c."

6. For each sum of money borrowed by virtue of the ordinance to which this is a supplement, it shall be the duty of the mayor of the city to issue a certificate or certificates to the lenders in sums of one hundred dollars each, or at the option of the lenders in sums of a greater amount, reducible upon transfer to any smaller sums not less than one hundred dollars: *Provided*, That no certificate shall issue for any sum containing a fraction of a hundred dollars.

Ordinance of August 3, 1820.

An ordinance providing for borrowing a sum of money, to be applied to the payment of certain loans, redeemable at the pleasure of councils.

7. Whereas, by virtue of several ordinances of the select and common councils, passed between the 7th day of February, 1799, and the 29th of February, 1816, certain sums of money were loaned to the corporation, for the purpose of introducing wholesome water into the city of Philadelphia, subject to be repaid at the pleasure of councils: And whereas it is now deemed expedient, that said several loans should be redeemed and paid off.

SECT. I. *Be it ordained, &c.* That books of subscription shall be opened at the office of the city treasurer, on Monday the 31st day of August 1820, between the hours of nine A. M. and two P. M. and daily thereafter, (Sundays excepted,) until the sum of three hundred

and eighty-six thousand dollars shall have been subscribed, under the provisions and upon the terms set forth in the second section of this ordinance.

SECT. II. For every sum of one hundred dollars, subscribed and paid into the hands of the treasurer, either in cash or in certificates of the debts now to be redeemed, a certificate shall be issued, bearing even date with the day of such payment, signed by the mayor, and countersigned by the treasurer of the city, bearing interest at the rate of five per centum per annum, payable half yearly, on the first days of January and July, and shall not be redeemable without the consent of the owner thereof, previous to the first day of January, 1846.

Ordinance of February 16, 1821.

An ordinance for raising money by loan, to be applied to the discharge of several debts, heretofore contracted by the corporation.

8. SECT. I. The mayor is hereby authorized to give notice, by an advertisement in the newspapers of the city, that he will, in behalf of the corporation, at any time before the fifth day of March next, receive sealed proposals for a loan, of the whole or any part (not less than, nor containing any fraction of one hundred dollars) of the sum of one hundred and forty-nine thousand six hundred dollars, at an interest of five per cent. per annum, payable half yearly, on the first days of January and July; not redeemable, unless with the consent of the lenders or their assigns, before the first day of January one thousand eight hundred and thirty-one, for which, certificates of one hundred dollars each will be issued; which proposals shall express the sum which the offerers respectively are willing to contract to pay for every such certificate.

SECT. II. [Related to proposals; obsolete.]

SECT. III. The mayor shall forthwith give notice of the proposals accepted, to the city treasurer, who shall thereupon cause the acceptance thereof to be made known to the person or persons by whom they shall have been made, who, upon complying with the terms by them respectively offered, and paying the amount, with the advance, if any, either in cash or in the certificates and debts to be redeemed and paid, shall receive a certificate or certificates to the amount of their respective loans, to be signed by the mayor and city treasurer, which certificate shall be transferable, as the other funded debts of the corporation; and the premium that may be received shall be carried to the sinking fund, to be invested accordingly.

Ordinance of March 8, 1821.

A supplement to an ordinance entitled "An ordinance empowering the mayor to raise money to be applied to laying down iron pipes, &c."

9. The mayor of the city is hereby authorized to borrow, upon the credit of the corporation, at an interest not exceeding five per

cent. per annum, the sum of fifteen thousand dollars, for the same purposes, in the same manner, and under the provisions of the ordinance to which this is a supplement, in all respects as if this supplement was part of the original ordinance.

Ordinance of March 29, 1821.

An ordinance for extending the market-house in High-street, from Sixth to Eighth street.

10. **SECT. III.** The mayor is hereby authorised and empowered to borrow from any person or persons, or bodies corporate, any sum of money not exceeding twelve thousand dollars, at a rate of interest not exceeding five per cent. per year, for the term of six years, which is hereby appropriated for carrying this ordinance into effect. [*Only eleven thousand six hundred dollars were raised under this ordinance.*]

SECT. IV. The rental of said market-houses is hereby pledged for the repayment of the sums as aforesaid authorized to be borrowed, together with the interest which may accrue and become due thereon.

Ordinance of April 13, 1821,

An ordinance for constructing a culvert, commencing on the west side of Delaware Sixth-street, and extending along Walnut-street, to the intersection of the culvert in Dock-street.

11. **SECT. III.** The mayor hereby is authorized, to borrow upon the credit of the corporation, the sum of seven thousand five hundred dollars, at an interest not exceeding five per cent. per annum, payable in three annual instalments, in the years 1823, 1824, and 1825, to be applied towards the erection of the culvert before mentioned; and the remainder of the cost thereof to be charged to appropriation for docks and sewers for the year 1821.

Ordinance of January 17, 1822.

An ordinance empowering the mayor to raise money to be applied to laying down iron pipes of conduit through the streets of the city, in lieu of the wooden pipes now in use, and for other purposes.

Whereas the wooden pipes of conduit have, from age and other causes, become very defective, whereby a great waste of water takes place, and much injury by leaks is done to the property of the inhabitants, who are also deprived of the use of the water whilst the pipes are repairing: And whereas, it will conduce to the best interest of the city, to replace the wooden pipes, from time to time, with iron pipes: Therefore,

12. **SECT. I.** *Be it ordained, &c.* That the mayor of the city be, and he is hereby authorised, to borrow, upon the credit of the corporation, and at an interest not exceeding five per cent. per

Funded Debt.

annum, any sums not exceeding twenty-five thousand dollars in any one year, nor in the whole seventy-five thousand dollars, to be applied to the purchase and laying down iron pipes of conduit through the streets of the city, and the water rents, and the income of the corporate estates, (not already appropriated) shall be, and the same hereby are, pledged for the payment of the interest, and the repayment of the principal, of all monies which may be borrowed by virtue of this ordinance.

SECT. II. The monies to be raised by virtue of this ordinance, shall be borrowed at such times, and in such sums as may be fixed on by the watering committee, and shall be placed in the treasury, subject to the drafts of the mayor, upon certificates granted by the chairman of the said committee in the usual manner.

SECT. III. For each sum borrowed by virtue of this ordinance, it shall be the duty of the mayor to issue a certificate or certificates to the lenders of the amount borrowed, in sums of one hundred dollars each, and the interest on the same shall be payable half yearly, on the first day of January and first day of July, which certificates shall be transferable in the same manner as the certificates of the funded debt of the city: *Provided*, that no certificate shall issue for any sum containing a fraction of one hundred dollars.

SECT. IV. The monies which may be borrowed by virtue of this ordinance, shall not be repaid, without the consent of the persons holding the evidence thereof, in less than thirty years from the date on which the loans shall be made.

SECT. V. For the purpose of redeeming the debt to be created by virtue of this ordinance, the premiums received on the loans shall be placed in the sinking fund.—[*Twenty-five thousand dollars have been raised under this ordinance.*]

Ordinance of February 6, 1822.

An ordinance for rebuilding the Jersey market-house in High-street, between Front and Second streets, and for other purposes.

13. SECT. III. The mayor is hereby authorized and empowered to borrow from any person or persons, or body corporate, any sum of money not exceeding eight thousand dollars, at a rate of interest not exceeding five per cent. per year, for the term of six years, which is hereby appropriated for carrying this ordinance into effect. [*See post 16 as to rate of interest.*]

SECT. IV. The rental of said market-house is hereby pledged for the repayment of the sum aforesaid authorized to be borrowed, together with the interest which may accrue, and become due thereon.

Ordinance of February 14, 1822.

A supplement to an ordinance, entitled, "An ordinance empowering the watering committee to purchase of Josiah White, &c."

14. SECT. I. The mayor of the city is authorized to borrow, upon the credit of the corporation, and at an interest of not more than five per centum per annum, any sums not exceeding in the whole forty-one thousand dollars, for the same purposes, in the same manner, and on the same conditions, (except as to the rate of interest,) as are required by the second, third, fourth, fifth, and sixth sections of the ordinance to which this is a supplement, and as if this ordinance was part of the same.—[See post 15 as to rate of interest.]

Ordinance of May 9, 1822.

A supplement to certain ordinances providing for raising money on loan for the use of the water works.

15. So much of the ordinance passed on the 14th February, 1822, and of the ordinance passed on the 17th January, 1822, as limits the rate of interest on money therein directed to be raised on loan, to five per cent., is hereby repealed, so far as relates to the sum hereafter to be raised, and the rate of interest upon the residue of the monies to be borrowed under the said ordinances, shall not exceed six per centum per annum.

Ordinance of June 13, 1822.

A further supplement to an ordinance, entitled "An ordinance for rebuilding the Jersey market-house, &c."

16. So much of the ordinance, passed on the sixth day of February, A. D. 1822, entitled "An ordinance for re-building the Jersey market-house in High-street, between Front and Second streets, and for other purposes," as limits the rate of interest on money therein directed to be raised on loan, to five per cent., is hereby repealed, and that the mayor be at liberty to borrow the sums of money in said ordinance mentioned, at a rate of interest not exceeding six per cent. per annum.

Ordinance of April 18, 1822.

An ordinance for raising supplies and making appropriations for the service of the city for the year 1822.

17. SECT. III. The city treasurer is hereby authorized to issue certificates, bearing legal interest, and redeemable in the year 1823, to the executors of John Craig, deceased, for the sum of six thousand one hundred and thirty three dollars and thirty four cents; and to the representative of Caleb Cresson, junr. deceased, for the sum of three thousand two hundred dollars, due them during the current year, "for loans free of interest;" the certificates to bear date, and the interest to commence when the aforesaid loans, payable without interest, shall fall due.

Goats.

ORDINANCE.

Penalty on Goats running at large, 1

Ordinance of July 9, 1821.

[For the other sections of this ordinance see Carriages and Horses, Firing of Guns, &c. Handbills, Kites, Markets.]

1. SECT. V. From and after the passing of this ordinance it shall not be lawful for any goat to go at large in the streets, lanes, alleys or public squares of the city, nor in the state-house yard, and if any goat shall be found going at large as aforesaid, it shall be lawful for any constable of the city, or other person authorized by the mayor for this purpose, to seize the said goat, and, having first obtained permission from the mayor, to sell the same at public auction, giving twenty-four hours' notice thereof in one or more of the daily newspapers, and the proceeds of sale, after deduction of costs and expenses, shall go, one half to the use of the person taking up such goat, and the other half to the use of the city: and the owner of every goat so found at large, shall be liable to a penalty of ten dollars, to be recovered before the mayor, recorder, or any alderman of the city, one half for the use of the person prosecuting, and the other half to the use of the city.

SECT. XII. [Directing the mode of recovering and appropriation of penalties; see Handbills, 2.]

Guardians of the Poor.

ACTS OF ASSEMBLY.

Guardians of the poor, when and		Vacancies, how to be supplied,	3
how to be elected,	1	When additional buildings shall	
Their qualification,	2	be erected,	4
Penalty on refusing to qualify, ib.		Number for the city to be ten,	5
None but citizens to be elected, ib.			

Act of March 29, 1803.

An act for the consolidation and amendment of the laws, as far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties.—7 Bioren's St. Laws, 106.

1. SECT. I. *Be it enacted, &c.* That the corporation of the city of Philadelphia, in select and common council assembled, the corporation of the district of Southwark, and the justices of the peace of the township of the Northern Liberties, or a majority of them, shall meet on the third Monday in May next, at three o'clock in the afternoon, at the several places hereinafter mentioned; that is to say,

the select and common councils of the city of Philadelphia shall meet in the city hall at the time aforesaid, and by the joint vote of said councils elect, viva voce, [sixteen] substantial house-keepers, inhabitants of the said city, and the corporation of the district of Southwark shall, at the same time, meet in the commissioners' hall, in the said district, and then and there elect in manner aforesaid, [six] substantial house keepers, inhabitants of said district, and the justices of the peace in the Northern Liberties, or a majority of them, shall, at the time aforesaid, meet at the town-house in the Northern Liberties, and then and there elect [eight] substantial house-keepers, in manner aforesaid, who shall be inhabitants of said township, to be guardians of the poor in the said city, district and township, and the said select and common councils, the corporation of Southwark, and the justices of the Northern Liberties, shall forthwith direct their respective clerks to give notice in writing to each of the persons so chosen, of their appointment, within two days thereafter, and after the appointment of managers as hereinafter directed, who shall be taken in the ratio aforesaid, as near as may be from the city, district and township aforesaid, the whole number of guardians remaining shall be equally divided by lot, so that one half, as near as may be, of those for the city, district and township, shall be included in said equal division, which one half of said whole remaining number, shall continue in office for six calendar months, and no longer, and the other half shall continue until the twenty-first day of May, one thousand eight hundred and four, and no longer, and on the third Monday in November next, or within ten days thereafter, the corporation of the city, the corporation of the district of Southwark, and the justices of the peace of the township of the Northern Liberties, or a majority of them, shall again meet, at the several places in the respective districts before mentioned, at three o'clock in the afternoon, and then and there, in manner aforesaid, elect and constitute successors to serve for one year, in the stead of those who shall go out of office, and so every third Monday in May, and every third Monday in November annually thereafter, the said corporation of the city of Philadelphia, in select and common councils assembled, the corporation of the district of Southwark, and the justices of the peace of the Northern Liberties, or a majority of them, shall meet as aforesaid, and appoint one half of the said guardians to supply the place of those who shall go out of office, (including those appointed as managers when their times shall expire) yearly, in order that there may be always some experienced persons in office; [and if any guardian shall die or remove out of the said city, district or township, for which he may have been elected, before the expiration of his office the president of the board of guardians shall, without delay, after having received satisfactory information of the death or removal of any such guardian, direct and cause such vacancy to be supplied within ten days

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after such information, so by him received, in manner before directed and pointed out:] *Provided always*, That all elections for guardians of the poor, in manner aforesaid, shall be conducted with open doors.—[*Number of guardians, and manner of filling vacancies altered; post 3, 5.*]

2. SECT. II. Every guardian elected in manner before directed, shall, within ten days after his appointment, and before he enters upon the execution of his office, take an oath or affirmation according to law, which the mayor or recorder or any of the aldermen in the said city, or justice of the peace in the said district or township, is hereby authorised to administer, that he will discharge the office of guardian of the poor truly, faithfully and impartially, to the best of his knowledge and ability, and in case of neglect or refusal to take the necessary oath or affirmation, for the faithful execution of said office, within the time aforesaid, he shall forfeit and pay the sum of sixty dollars, for the use of the poor of the said city, district and township aforesaid: *Provided always*, That no person shall be appointed a guardian of the poor, of the said city, district or township aforesaid, who is not a citizen in this state.

Act of April 1, 1805.

A supplement to an "Act for the consolidation and amendment of the laws as far as they respect the poor, &c."—4 Smith, 247.

3. SECT. II. All vacancies which shall occur in the board of guardians, by death, resignation or otherwise, such vacancy shall be filled in the following manner, *to wit*: The president of the general board, upon satisfactory information given to the board of any vacancy having occurred, shall give notice in writing to the president of that constituent part of the board in which the vacancy has happened, requesting them to supply such vacancy within ten days thereafter, by the choice of one or more freeholder, or good and substantial housekeeper, to fill such vacancy, and upon every general or special election, the corporations of the city of Philadelphia, and the district of Southwark, and the justices of the peace of the township of the Northern Liberties, shall direct their respective clerks to give a written or printed notice to the person or persons so chosen, and a general return to the president of the board of guardians, which person or persons so chosen, to fill any vacancy as aforesaid, shall be entitled to all the rights, and subject to the like duties, fines and forfeitures as are granted or imposed by the act to which this is a supplement.

4. SECT. III. When it shall appear expedient to the general board of guardians of the poor to erect additional buildings, they shall present their plan to the select and common councils of the city of Philadelphia, the corporation of the district of Southwark, and the justices of the peace of the township of the Northern Liberties respectively, and, if upon review of such plan by

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those bodies, they, or a majority of each of them, shall approve of and report the same to the board of guardians, it shall be the duty of the said board to publish proposals for erecting a building agreeably to the plan so approved, and shall pay for the same out of any money in their treasury.

Act of March 8, 1815.

A Supplement to the act entitled "an Act to incorporate the district of Spring Garden," and for other purposes.

5. SECT. IV. On every third Monday of May, and every third Monday of November annually, the number of Guardians of the Poor appointed for the city of Philadelphia, shall be eleven, for the district of the Northern Liberties five, and at the same time the Commissioners of the district of Spring Garden shall appoint two Guardians of the Poor for the township of Penn, subject to the same rules that the Select and Common Councils, and the Commissioners of the district of Southwark are subjected to, in the choice of the Guardians of the Poor; all which said Guardians so appointed shall be entitled to all the rights, powers and privileges, and be subject to the like duties, fines, penalties and forfeitures as are provided and enumerated in an act entitled "an Act for the consolidation and amendment of the laws so far as they respect the poor of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties," and in and by an act entitled "a Supplement to the act entitled, "an Act for the consolidation and amendment of the laws, so far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties," and in and by an act entitled "a further Supplement to the act entitled, "an act for the consolidation and amendment of the laws, so far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties."

Gunpowder.

ACTS OF ASSEMBLY.

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Act of March 28, 1787.

An act for securing the city of Philadelphia, and the neighbourhood thereof, from damage by gunpowder.—2 Smith, 401.

WHEREAS, it appears that the act entitled, "An act for the better securing the city of Philadelphia, and its liberties, from danger of gunpowder," is in several respects defective: Therefore to remedy the defects thereof,

1. SECT. II. *Be it enacted, &c.* That from and after the passing of this act no person shall keep in any house, store, shop, cellar, or other place, within the city of Philadelphia, nor the country adjacent, within two miles of the said city, except in the public magazine, [in the square to the south of Vine street, between Sixth and Seventh streets, of the said city,] any greater quantity of gunpowder, at one time, than thirty pounds weight thereof, under the penalty of forfeiture of the whole quantity so over and above stored or kept, together with the sum of twenty pounds for every such offence.—[*New magazine erected, post 15.*]

2. SECT. III. Every captain or master of, or merchant owning, any ship or vessel, bringing therein into such part of the port of Philadelphia, as lies between the southern boundary of the district of Southwark and the north-eastern boundary of the township of the Northern Liberties, any gunpowder for sale or other purpose, [(other than such gunpowder as shall be specially licensed in that behalf by the supreme executive council)] shall, within the space of forty-eight hours from the arrival and coming to anchor of the said ship or vessel within the limits aforesaid, and before such ship or vessel shall be brought to any wharf of the said port within the said limits, deliver or cause to be delivered, all the gunpowder above thirty pounds weight, brought as aforesaid, at the said magazine, between the hours hereinafter prescribed; under the penalty of forfeiting at and after the rate of twenty pounds for

every cask of gunpowder so withheld, and not delivered as aforesaid, together with the whole of such gunpowder, above the said thirty pounds weight, if such gunpowder be the property of the offender; and in order that strangers may be the better apprised of the tenor of this act, the health-officer and his deputies are required and enjoined, as soon as they have opportunity, to give information thereof to such captain, master or merchant; and the custom-house and naval officers and their deputies are required and enjoined to give such information to the captains or other persons coming to their several offices, to make entry or report of their arrival or of their cargoes.—[*The powers of the supreme executive council were vested in the Governor by act of April 22, 1794. This section is in a great measure supplied, post 16.*]

3. SECT. IV. If any gunpowder stored in the said magazine be intended for exportation, it shall not be delivered on board of the vessel intended to export the same, while she remains at any of the wharves in such part of the port of the city of Philadelphia [as aforesaid,] but after removal of any such gunpowder for the purpose aforesaid from the said magazine, it shall be immediately delivered into some boat or craft, to be used for conveying it on board of such vessel, and which boat or craft shall be ready to receive and convey the same to such vessel, and shall forthwith carry it on board thereof, under penalty of forfeiture of such gunpowder, and of the sum of twenty pounds, to be paid by any person so offending, and of the further sum of fifteen pounds, for every hour such boat or craft shall remain at any such wharf, after taking or receiving such gunpowder on board; and such gunpowder shall not be unladen from any cart, dray or other carriage, on any wharf, within the said city and the aforesaid adjacent country, until the boat or craft into which it is to be delivered, for the purpose of conveying it to the vessel intended to export the same, shall be ready to receive it, under the penalty of twenty pounds, to be forfeited by every person so offending.—[*Limits altered post 16, 17.*]

4. SECT. V. All gunpowder brought by land into the said city, or the adjacent country, within two miles of the said city, if above thirty pounds weight at one time, shall be immediately carried to the said magazine, and delivered to the superintendant thereof, or his deputy, within the hours hereinafter prescribed for his attendance at the said magazine, under the same penalties as if brought by water, and not delivered, as in such case is herein directed, at the said magazine.—[*See post 21, as to quantity to be brought into the city.*]

5. SECT. VI. No person shall convey in any dray, cart, wagon or other carriage, any greater quantity of gunpowder than thirty pounds weight, in or through the said city or the adjacent country, within two miles of the said city, without securing it in a good bag or bags, or putting a sheet of canvass under and around the said powder, sufficient to prevent the same from scattering from the said carriage, under the penalty of forfeiture of the said

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gunpowder, and, for every such offence, the sum of twenty pounds, to be paid by every person so offending.—[*See post 21, as to securing powder when transported.*]

6. SECT. VII. The superintendent or keeper of the said magazine shall have and receive, for storage of such powder so deposited there, [twelve pence per barrel per month, and so proportionably for half barrels and quarter barrels, for the first six months, and six pence per barrel per month, and so proportionably for half barrels and quarter barrels, for every month any such powder shall remain in the said magazine, above the space of six months, and likewise shall have and receive for every twelve pounds, or less quantity thereof, delivered by the said superintendent or keeper of the said magazine, or his deputy, at one time, six-pence over and above the said storage, to be paid to him at and upon the delivery thereof to the owner thereof, or the person appointed by the said owner to receive the same.]—[*By act of March 27, 1821, s. 1, the price of storage of gunpowder is fixed at four cents for every keg weighing 25lbs. or less, for each year or less period, and by s. 7, no other emolument is to be received.*]

7. SECT. VIII. The said superintendent or keeper of the said magazine, or his successors in the said office for the time being, shall be accountable to the owners or deliverers of such powder, from and after their delivery at, and depositing thereof in the said magazine, (lightning and other unavoidable accidents of any kind excepted) and shall also cause daily attendance to be given at the magazine aforesaid, from the hour of nine until twelve in the forenoon, and from the hour of two until five in the afternoon, except in the months of November, December and January, when such attendance in the afternoon shall be from two to four o'clock, for delivering out and receiving of, and taking in such powder; and immediately on so receiving into his custody, at the said magazine as aforesaid, any quantity of gunpowder, the said superintendent or keeper of the said magazine, or his successors for the time being, shall give receipts in writing for the same, expressing the quantity of powder, and describing the numbers and marks of the casks.

8. SECT. IX. The [supreme executive council] shall have power to remove the said superintendent or keeper of the said magazine, and appoint another in his place, whenever it shall appear to them necessary, as well as to appoint a successor in case of death, in all which cases, the successor in office shall make out an account of all powder in the said magazine, in the presence of a person to be appointed [by the council,] as also in the presence of his predecessor, if living, and, if not, in the presence of one of his executors or administrators, if any, if he shall attend on notice given, and the quantity found to be in the said magazine shall be charged to the new officer, which account shall also be compared, in the presence of such persons as aforesaid, with the account of the immediate predecessor, for which purpose the said superintendent, or the keeper of the said magazine, and his successors

in the said office, shall keep fair books, in which all such powder, so to be brought into the said magazine, or found therein at the passing of this act, shall be entered, which books shall be delivered up to the successors in the said office; but in case any disputes or mistakes shall arise or appear, the executors or administrators of any deceased superintendant or keeper of the said magazine shall have access, at all reasonable times to the book delivered up, in order to adjust the said disputes or mistakes.

9. SECT. X. If the said superintendant or keeper of the said magazine, for the time being, shall refuse or neglect to give attendance as aforesaid, or to receive or deliver, as the case may be, such powder, or any part thereof, to the owner or deliverer aforesaid, requiring the same within the hours aforesaid, or shall take any more or greater sums or rates, than are by this act allowed to him, he or they, so offending, shall be fined, for every such offence, in a sum not exceeding five pounds, upon conviction of such offence on indictment in the city court of the city of Philadelphia; which fine or fines shall go into the hands of the treasurer of the commissioners for paving the streets of the city of Philadelphia, for the purpose of paving the said streets.

10. SECT. XI. All and singular the fines, penalties and forfeitures, mentioned in this act, other than those mentioned in the tenth section hereof, shall and may be recovered in any court of record in this state, with costs of suit. by bill, plaint or information, wherein no essoin, protection or wager of law, nor any more than one imparlance, shall be allowed, the one moiety of which fines, penalties or forfeitures, except as before excepted, shall go into the hands of the treasurer of the commissioners for paving the streets of the city of Philadelphia, to be by them disposed of, for the purpose of paving the said streets, and the other moiety thereof to the informer and prosecutor, who shall sue for the same.

11. SECT. XII. Any justice of the peace within the limits of the said city, and the adjacent country, within two miles of the said city, on demand made by such superintendant or keeper of the said magazine, showing a reasonable cause, on oath or affirmation, may issue his warrant under his hand and seal, empowering such superintendant or keeper of the said magazine to search, in the day time, any house, store, shop, cellar or other place, or any boat, ship or other vessels, for any quantity of gunpowder forbidden by this act to be kept in any place or places, and for that purpose to break open, in the day-time, any such house, store, shop, cellar or other places aforesaid, or any boat, ship or other vessel, if there be occasion; and the said superintendant or keeper of the said magazine, on finding such gunpowder, may seize and remove the same, in twelve hours, from any such place or places, boats, ships or vessels, to the said magazine, and therein detain the same, until it be determined in the proper court, whether it be forfeited or not by virtue of this act; and the said superintendant or keeper of the said magazine shall not in the meantime be sued for seizing, keeping or detaining the same, nor shall any writ of replevin issue

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therefor, until such determination as aforesaid be made, but all such suits are hereby declared to be illegal, erroneous, and abated.

12. SECT. XIII. The said superintendent or keeper of the said magazine may examine, and, if occasion be, seize any greater quantity of gunpowder, while in any dray, cart, wagon or other carriage, than is allowed hereby to be loaded in the same, or conveyed therein. within the said city, or the adjacent country, within two miles of the said city, and also to examine and seize any gunpowder found in any such carriage as aforesaid, within the said city and adjacent country as aforesaid, which shall be found not to be secured from scattering, in the manner directed by this act, or which may be found in any other situation prohibited hereby, and the same shall be by him conveyed, within twelve hours, to the said magazine, therein to be by him stored and detained, until it shall be determined in the proper court, whether the same be forfeited or not in virtue of this act; and such superintendent or keeper of the said magazine shall not in the meantime be sued, for seizing, keeping or detaining the same, nor shall any writ of replevin issue therefor, until such determination as aforesaid be made, but all such suits are hereby declared to be illegal, erroneous, and abated.

13. SECT. XIV. If any suit or action be commenced or prosecuted against any person or persons, for any thing done in pursuance of this act, every such person or persons may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereon; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue his action, or if, on demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover treble costs, and shall have the like remedy for the same, as any defendant hath in other cases.

14. SECT. XV. The superintendent or keeper of the said magazine shall, before he enters on the execution of his office, give bond, with such security to [the supreme executive council] as they shall deem necessary, in the sum of five hundred pounds, conditioned for the faithful performance of his duty, as directed by this act.

SECT. XVI. All acts heretofore made, in any way respecting the storing or keeping of gunpowder in the said city, or the adjacent country, within two miles of the said city, or in any part of the liberties of the same, shall be, and hereby are, repealed.

Act of April 4, 1807.

An act for the removal of the powder-magazine from the city of Philadelphia.—4 Smith, 392.

SECT. I. [Provides for the erection of a new magazine.]

15. SECT. II. As soon as the said magazine or magazines shall be completed, it shall be the duty of the superintendent or keeper of the magazine, to cause all the powder at that time deposited

in the present magazine, to be removed therefrom at the expense of the owners of the powder, to the magazine or magazines hereby directed to be built, and all gunpowder thereafter manufactured in the county of Philadelphia, or imported or brought into the same, shall be deposited and kept in the said new magazine or magazines, under and subject to all the regulations and penalties now in force, with regard to the inspection and deposit of gunpowder in the present magazine.

Act of March 14, 1818.

A supplement to an act, entitled "An act for securing the city of Philadelphia and the neighbourhood thereof from damage by gunpowder."

16. **SECT. I.** From and after the first day of May next, it shall not be lawful for any person or persons to import or introduce gunpowder within the following limits excepting as hereinafter directed, that is to say, No vessel having a greater quantity than five kegs of gunpowder shall be permitted to anchor north of the pier next above the Point House on the river Delaware, in the township of Moyamensing, and county of Philadelphia, and all gunpowder brought up the Delaware shall be landed at the aforesaid pier, and when the same is intended to be conveyed to the United States arsenal or the state magazine, the same shall be transported thither by the most convenient route not approaching nearer to the city than as follows, viz: Beginning opposite to the east end of Keeler's lane on the margin of the river Delaware, thence westward along the said lane and the southern boundary of Southwark to Passyunk road, thence up the said road to Federal road, thence westward along the same to Gray's ferry road, thence up the same directly to the said United States arsenal on the east bank of the river Schuylkill.

17. **SECT. II.** All gunpowder brought down the river Delaware, if intended to be transported by land either to the arsenal, magazine or pier aforesaid, the same shall be landed at Conoroë & Co's. wharf in the village of Richmond, in the county of Philadelphia, and conveyed from thence up Ann street, leading in a westerly direction from the said wharf to Frankford road, thence down said road to the Black Horse or Mud lane, thence along said lane to sixth street, thence down said street to Hickory lane, thence westward along the said lane crossing the Ridge road and by the way of Broad street to Callowhill turnpike road, thence westerly along said road to Schuylkill Front street, thence southerly along said street and by the way of Gray's ferry road to the place of destination, or by any other route not approaching nearer to the compactly built parts of the city and liberties than the foregoing; and when any gunpowder shall be conveyed down the river Delaware to the said piers, the same shall not approach nearer to the city and districts than midway the channel of the river, and when landed at the pier, the said powder shall be conveyed therefrom in the manner directed by the first section of this act.

Gunpowder.

18. SECT. III. All gunpowder introduced by land from the west side of Schuylkill shall pass Gray's ferry, and when intended for exportation, the same shall be conveyed from the said ferry by the nearest route to the above mentioned pier, and when intended to be stored in the said arsenal or magazine, shall in like manner be taken by the nearest route thereto: *Provided*, That when the said ferry cannot be passed with safety it shall be lawful to convey the same to the arsenal or magazine, (or when intended for exportation) to the pier aforesaid by the way of the Lancaster Schuylkill bridge, thence directly by the route of Schuylkill Front street as aforesaid to Gray's ferry road, thence the most direct way to the place of destination.

19. SECT. IV. In removing for exportation or otherwise, any gunpowder from the said United States arsenal or state magazine, it shall not be lawful to transport the same by any route approaching nigher to the city or suburbs at any point, than is marked out by the three first sections of this act.

20. SECT. V. No greater quantity of gunpowder than three kegs containing twenty-five pounds each, shall be landed from or shipped on board any vessel lying in the river Delaware between the before mentioned pier and Conroe and Co's. wharf aforesaid.

21. SECT. VI. For the purpose of supplying retailers of gunpowder within the city of Philadelphia, or within the limits hereinafter marked out and prescribed, it shall and may be lawful to introduce the same in kegs containing twenty-five pounds each, made and secured as directed by the act to which this is a supplement, carefully enclosed in sound strong woollen or leather bag or bags, and laid in a close bodied carriage covered with painted canvass, and that the said carriage shall not contain at any one time more than six of the before described kegs of gunpowder.

22. SECT. VII. If any greater quantity of gunpowder shall be brought into the city of Philadelphia, or within the limits marked out and prescribed by the first, second and third sections of this act, except in quantity and manner herein before set forth, or contrary to the provisions of this act, the person or persons owning such gunpowder, shall for each and every such offence forfeit and pay the sum of five hundred dollars, to be sued for and recovered as the like sums respectively are recoverable by law, to be appropriated the one moiety for the like uses and in like manner as is described by the eleventh section of the act to which this is a supplement, and the other moiety to the person suing for the same.

23. SECT. VIII. The board of wardens of the city of Philadelphia, and the superintendant of the state magazine before mentioned, are hereby directed to notify to the captains of vessels and pilots of the river Delaware the provisions of this act, and that so much of any act or acts of the General Assembly of this commonwealth as is or are inconsistent with this act, shall from and after the first day of May next be, and the same are hereby repealed.

ORDINANCE.

Penalty on exposing hand-bills advertising cure of diseases,	1	Recovery and appropriation of penalties,	2
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Ordinance of July 9, 1821.

[For the other sections of this ordinance, see *Carriages and Horses, Firing of Guns, &c. Goats, Kites, Markets.*]

1. SECT. XI. If any person shall place or cause to be placed in any of the streets of the city of Philadelphia, any advertisement or hand-bill exposed to the view of persons passing in the said streets, giving notice of any person professing to cure, or having or professing to have skill in the cure of any disease, or of the sale of any medicine; every such person or persons shall forfeit and pay for every such offence, the sum of five dollars.

2. SECT. XII. Each and every fine, forfeiture, and, penalty, imposed by this ordinance, not otherwise provided for, shall and may be sued for and recovered, with costs of suit, before the mayor, recorder, or any alderman of the said city, and one half of every such fine, forfeiture, or penalty, so recovered as aforesaid, shall be appropriated to the use of the said city, and the other half thereof shall belong and go to the use of the person who shall sue for and recover the same, in the manner aforesaid.

SECT. XIII. Each and every part of any ordinance, inconsistent with the provisions of this ordinance, is hereby repealed.

Hay and Faggots.

ACT OF ASSEMBLY.

How hay and faggots to be kept, 1

Act of February 6, 1730—31.

[1 Smith, 194.]

[For the other sections of this act, see *Bake-houses and Coopers' shops.*]

1. SECT. IV. No person whatsoever within the city aforesaid, from and after the tenth day of May next ensuing, shall keep or stack any hay, within one hundred feet of any dwelling-house or other building except it be in a stable, or other secure house, nor shall keep any greater number of faggots than two hundred, unless it be at a distance of one hundred feet from any dwelling house or other building, under the penalty of ten shillings for every offence;

High Constables.

which penalties so accruing shall be recovered, and applied in the manner and to the use aforesaid, with costs of suit; and the hay and faggots, so remaining against the tenor of this act, shall be liable to be removed, in such sort, manner and form, as any nuisance may be by the laws of Great Britain, or this province.

High Constables.

ORDINANCES.

Two high constables to be chosen,	1, 4	To have registry of chimney sweepers,	28
Their powers and rank,	1	Compensation,	3, 5
Their duties,	2, 4	Mayor to direct partition of their duties,	6

Ordinance of March 29, 1798.

An ordinance for the appointment of a high constable for the city of Philadelphia, and prescribing his duties.

1. SECT. I. [On or before the fifth day of April next ensuing, and at the first meeting of the select and common councils to be held in the month of December in every year hereafter, and whenever a vacancy shall happen by death, removal from office, or otherwise,] there shall be chosen [by a concurrent vote of the select and common councils] a high constable of the said city, which officer shall have all the powers and authorities which a constable of the said city can exercise by the common law, by any act of the general assembly of this commonwealth, or any ordinance of the said city, and he shall take rank and precedence among the officers of the city, next before the constables thereof, and shall carry in his hand a short staff or mace to distinguish him in the execution of his office; and all constables and citizens of the said city, are hereby enjoined and required to be aiding and assisting to the high constable in the execution of his office, when thereunto reasonably required by him. [*Mayor to appoint all officers of the corporation, except the Treasurer, the Clerks, Messengers, and Door-keepers of the Councils; see Corporation A. A. 47. Additional high constable provided for, post, 4.*]

2. SECT. II. It shall be the particular and especial duty of the high constable, to walk through the streets, lanes and alleys of the city of Philadelphia, daily, with his mace in his hand, taking such rounds that in a reasonable time he shall visit all parts of the city, and examine all vagrants, beggars, and such others, as shall fall under the description of idle and disorderly persons, by any act of assembly of this state, as to the place of their residence, and the mode they pursue of acquiring a livelihood, and upon refusal to give him an account thereof, or not giving a satisfactory account, to

apprehend, and carry such persons before the mayor or recorder, or some one of the aldermen, to be dealt with according to law; to give notice to the city commissioners or to the mayor, recorder, or some one of the aldermen, of all nuisances, obstructions and impediments, in the streets, lanes and alleys of the said city, in order that they may be removed, and the authors thereof prosecuted; to give information to the mayor, recorder and aldermen, or some one or more of them, of all offences committed against the laws and ordinances in being, and of the names of the offenders and witnesses, in order that prosecutions may be commenced, and obedience enforced, to the regulations for the well governing of the city. And the said high constable shall have and execute all the powers and authorities, vested in the officer directed by law, to be appointed for registering and granting certificates to chimney-sweepers. And generally, shall superintend the execution of, and cause obedience to, the ordinances now in force or hereafter to be enacted, and to do and perform all such other matters and things as the select and common councils shall, by ordinance or resolution, from time to time, ordain and direct, and all such things as the mayor, recorder, and aldermen, or any of them, shall reasonably require touching the order, regulation and policy of the city.

3. SECT. III. The high constable to be appointed by virtue of this ordinance, shall, as a full compensation for all duties and services incumbent on, and to be performed by him, receive a salary at the rate of seven hundred dollars per annum, during his continuance in office, which shall be paid quarter yearly, by orders on the city treasurer, to be drawn by the mayor of the city for the time being, and so much of the ordinance, entitled an ordinance "establishing the salaries of certain officers," passed the ninth day of March, in the year one thousand seven hundred and ninety-seven, as provides for the annual salary of an high constable, shall be and the same is hereby repealed and made null and void.

Ordinance of March 28, 1811.

An ordinance authorising the mayor to appoint another high constable for the city of Philadelphia.

Whereas, it has been represented by the mayor, that owing to the increased extent of the city, and its population, the duties enjoined on the high constable cannot be performed; and it is necessary for the due execution of the city ordinances, that another high constable be appointed, therefore,

4. SECT. I. *Be it ordained &c.* That the mayor is hereby authorised forthwith to appoint a discreet and proper person, who shall have, use and exercise, all the powers and perform all the duties, which by an ordinance entitled "an ordinance for the appointment of a high constable; for the city of Philadelphia, and prescribing his duties," the present high constable may, or can use or exercise, and is enjoined to perform.

Inspectors of the Prison.

5. SECT. II. The high constable to be appointed, in virtue of this ordinance, shall, as a full compensation for all the duties and services enjoined on him, receive a like salary, and be paid in like manner, as the present high constable is paid.

6. SECT. III. The mayor is hereby authorised to direct the partition of the duties between the high constables, in such manner, and from time to time, as he shall think will best promote the objects of their appointment.

Inspectors of the Prison.

ACT OF ASSEMBLY.

Inspectors when and how to be chosen,	1 Majority of inspectors to consti- tute a board,	1
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Act of February 23, 1809.

An act giving additional powers to, and changing the mode of appointment of the inspectors of the prison in Philadelphia, and for other purposes.—
5 Smith, 11.

1. SECT. III. It shall and may be lawful for the select and common councils of the city of Philadelphia, in a joint meeting on the first Monday in May next, to elect by ballot three inspectors, and on the first Monday in November in like manner to elect three inspectors, who shall be taxable inhabitants of the said city; and it shall be the duty of the commissioners of the township of the Northern Liberties, on the said first Mondays in May and November, to elect by ballot two inspectors, who shall be taxable inhabitants of the said township of the Northern Liberties; and it shall be the duty of the commissioners of the district of Southwark, on the said first Mondays in May and November, to elect two inspectors, who shall be taxable inhabitants of the said district of Southwark; and it shall be the duty of the select and common councils and the commissioners of the Northern Liberties, and the commissioners of the district of Southwark, on the first Mondays in May and November annually between the hours of two and five o'clock in the afternoon, to elect their inspectors as aforesaid, a majority of whom shall constitute a board of inspectors for the prison of the city and county of Philadelphia: *Provided*, [That those now in office shall continue therein until the expiration of the term for which they were respectively appointed.]

ACT OF ASSEMBLY.

Corporation authorised to prohibit interments within the city, 1

ORDINANCE.

Lot appointed for interring deceas-		Penalty on interring elsewhere,	2
ed strangers,			

ACT OF ASSEMBLY.

Act of April 22, 1794.

An act for establishing an health office, for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers.
—3 *Dall. St. Laws*, 553.

1. SECT. XXI. [The mayor, aldermen and citizens of Philadelphia, in common council assembled,] shall have power, by their ordinance for that purpose, to prohibit any future interments within such parts of the city of Philadelphia, wherein they shall judge such prohibition necessary, and to impose such fines for any breach of such ordinance, as they may deem necessary.—[*The whole Legislative power of the corporation vested in the select and common councils; Corporation. A. A. 40.*]

ORDINANCE.

Ordinance of September 14, 1818.

An ordinance appropriating a lot of ground for a public burial place, and prohibiting the interment of the bodies of deceased persons in any other of the public squares or lots of ground belonging to the city of Philadelphia.

1. SECT. I. The lot of ground lately purchased by the City, situate near the Vine Yard, shall from and after the passing of this ordinance, be used under the direction of the city commissioners, as a place for interment of the bodies of deceased strangers and persons not members of any religious society at the time of their decease.

2. SECT. II. If any person or persons, after the passage of this ordinance, shall inter, or cause to be interred, the body of any deceased person in any of the public squares or lots of ground, belonging to the City of Philadelphia, other than the lot hereby appropriated as a burial place, such person or persons shall severally forfeit and pay for each offence the sum of twenty dollars to be sued for before the mayor or any alderman of the city; one half thereof for the use of the person suing for the same, and the other half for the use of the city. *Provided*, that nothing in this section contained, shall apply to that part of the North East Public Square, claimed under patent by the German Reformed Congregation.

Kites.**ORDINANCE.**

Penalty on flying kites, 1

Ordinance of July 9, 1821.

[For the other sections, see *Carriages, Firing of Guns, &c. Goats, Hand-bills, Markets.*

1. SECT. VI. If any person shall fly any kite in any of the streets, lanes, alleys, or public squares in the said city, every such person so offending shall forfeit and pay, for every such offence, the sum of one dollar.

[SECT. XII. Providing for recovery and appropriation of the penalty, see *Firing of Guns and Fire-Works, O. 6.*]

Lamps and Pumps.**ORDINANCE.**

Penalty on injuring lamps and pumps, 1

Ordinance of May 22, 1797.

[For the other sections of this ordinance, see *Carriages, City Commissioners, Streets and Pavements.*]

1 SECT. XVII. If any person or persons shall and do, after the passing of this ordinance, maliciously, wilfully or wantonly break or carry away the handles or stop up the spouts of any of the public pumps or otherwise injure or damage the said pumps, or shall extinguish, break, destroy, injure, overthrow or carry away any of the public lamps, lamp-posts, watch-houses or any thing pertaining thereto, in any of the streets, lanes, or alleys within the city, every such person so offending, and every person aiding or concerned in such offence, shall forfeit and pay for every such offence the sum of one hundred dollars, to be applied to the purposes of lighting watching and paving the streets of the city, and the city commissioners are hereby strictly enjoined diligently to enquire after and to prosecute all who shall offend herein.

Lost Certificates.**ORDINANCE.**

Proceedings to obtain renewal of lost certificates, 1

Ordinance of September 24, 1818.

An Ordinance providing for the renewal of lost certificates of city loans.

1. SECT. I. If a certificate of Stock, in any loan made, or to be made to the corporation, be lost, the proprietor thereof or his legal

entative may apply to the City Treasurer for a renewal of ne, and after due notice of the loss of such certificate shall en inserted in two of the public newspapers of the city, at nce a week for three months, if no legal objection shall ap- e City Treasurer shall grant a new certificate, upon the ap- :executing a bond to the Corporation, indemnifying it against ury from the re-appearance of the Certificate, and stating in ew certificate, that it has been issued in lieu of the one which n lost.

Markets.

ACTS OF ASSEMBLY.

may seize butter deficient ight.	1	Corporation empowered to levy taxes for extending the market in High street,	8
of markets to have assize of , beer, &c.	6	Any person may sell provisions in the markets, unless purchased within the city,	10
house in High street to be ded to Fourth, and further necessary.	2	Power to regulate Sunday markets,	11
ar to approach cross streets,	3	Authority to build market-houses and let stalls,	12
m of roof and width,	4	Whenever erected, one half to be let to country people, at not more than \$20 per stall,	13
to be for the country peo- ple of rent, the other to be d,	5, 9	The other half to butchers,	13
d butchers to be excluded the western moiety,	7	Authority to erect a Fish market- house.	14

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Places not appropriated to be kept open,	8, 147	A watchman to be appointed and his duties,	
Penalty on killing any beast, or laying garbage, &c. within the limits,	9	Jersey farmers may sell on their stalls produce of other Jersey farmers,	
On selling liquor within the limits,	10	May also allow other Jersey people to use their stands,	
On selling with steelyards, or with other than regulated weights and measures,	11	May employ other persons (not being hucksters) to sell for them,	15
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Nor horses within chains,	14	Stalls in the vacant spaces in the market-houses between Fourth and Sixth streets,	125, 126
Penalty on huckstering within the limits,	15	Market-house to be extended from Sixth to Eighth street,	130
Selling dressed victuals,	16	Stands to be let subject to existing regulations,	132, 133
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To take no fees, &c.	19	Existing regulations extended to these market-houses,	141
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Penalties recovered to be accounted for every three months,	21	To be let to Jersey farmers only,	152
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Penalty on offering to sell blown meat,	42	No butcher, victualler, or shinner, to use any stand in High, west of Eighth street,	148
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Penalty on placing horses, carts, elsewhere than directed,	24	A market for necessaries to be held on Saturday evenings,	75
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Butchers not to remain longer than market hours,	32	for country produce,	85
Duties of the clerks,	33	for butchers,	85
Clerk to take no fee, &c.	34	for American manufactures,	85
Penalties how to be recovered and accounted for every three months,	35	for roots, herbs, and vegetables,	85
Penalty on selling blown meat,	42	for fish,	85
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for country people free of rent,	45, 46	Horses, carts, &c. to be unladen and removed,	84
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for venders of vegetables	52	Commissioners to advertise for renting stalls,	87
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for waggons &c. with country produce,	108	Rents to be paid to the Commissioners one year in advance, or the stalls to be forfeited,	87
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for fish waggons,	109	His salary,	89
for salt fish,	110	Regulations of other markets extended to this,	90
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ACTS OF ASSEMBLY.**Act of March 18, 1775.**

An act to regulate the assize of bread, and for other purposes therein mentioned.—1 Smith, 425.

1. SECT. VIII. It shall and may be lawful to and for the clerk of the market of any city, borough or town, within this province, to weigh all butter brought into the same to be sold by weight, which, if found deficient, the said clerk shall forthwith, in the presence of two reputable freeholders, weigh again, and if it appears to the said freeholders, that the said butter is under weight, the same shall be seizable; one third part thereof for the use of the said clerk, and the other two thirds for the use of the poor of the place where seized; and in case any owner or owners of butter so seized shall conceive him, her or themselves, aggrieved by such seizure, he, she or they may appeal to any magistrate or justice aforesaid, of the city, borough or place, where such seizure is made, who shall hear, try and determine the same.

Act of March 23, 1786.

An act to empower to wardens of the city of Philadelphia to extend the market-house in High-street, from Third-street to Fourth street, from Delaware river, and to continue the same from time to time westwardly, from one street to another, in the middle of High-street, as the wardens of the said city shall think necessary, and for other purposes therein mentioned.—2 Smith, 372.

WHEREAS the inhabitants of the city of Philadelphia and the counties bordering thereon, have represented to this house the necessity there is of extending the market-house in High street, westward, in the city of Philadelphia, that the old market-house was become by far too small for the accommodation of the people from the different parts of the country, who are often exposed to the inclemency of the weather, without shelter, in rain or snow, to the great danger of their health, and inconveniency of the inhabitants of the said city, and that custom and long usage have fixed High-

street as the most eligible and central place for the market-house to be continued :

2. SECT. II. *Be it therefore enacted, &c.* That, from and after the passing of this act, it shall and may be lawful to and for the wardens of the city of Philadelphia, or a majority of them, and they are hereby enjoined and required to contract for materials, and employ workmen to build and extend the market-house in High-street, along the middle thereof, from Third street to Fourth street, within the present or the next succeeding year, and so on from time to time, as necessity or occasion shall require, to extend the market-house in High street from street to street, westward, as often as the wardens of the said city, or a majority of them, shall think proper for the benefit and advantage of the inhabitants of the said city, and for the accommodation of the country people bringing provisions to market for sale. [*See post 10. For the transfer of the powers of the wardens, see Corporation A. A. 24, 34, 48.*]

3. SECT. III. And in order to afford a convenient opportunity for the turning of waggons and other carriages, *Be it further enacted,* That the first shambles or market-house, as it shall or may be extended in all or any of the said High street, shall not approach or be continued nearer than thirty feet to the line or lines of any of the streets crossing the aforesaid High street.

4. SECT. IV. And in order that those, who attend the said market with herbage and vegetables, may be accommodated with a more convenient shelter under the eaves thereof, as well as to afford a wider space for the passage of carriages, *Be it further enacted,* That the width or breath of the said shambles or market-house shall not be more than eighteen feet, from the outside of any one pier or column thereof to the outside of any other pier or column of and opposite to the same; and that the roof of the said shambles or market-house shall have the same elevation and projection with that already erected, and no more.

SECT. V. VI. VII. [Temporary & obsolete.]

5. SECT. VIII. When the market-house shall be finished and completed, the one half of the building so erected shall be and remain free for the country people attending the said market forever, and that no fees, tolls or perquisites, be demanded or exacted from them for the use thereof. And the wardens of the city of Philadelphia are authorised to let or demise the stalls, which they may erect in the other half of the said building, to any person or persons, for such yearly rents and reservations as shall be agreed upon; and the rent arising from such stalls shall be paid to the treasurer of the wardens of the city of Philadelphia for the time being, for the use of the said city, and for no other purpose whatsoever.

Act of March 11, 1789.—2 Smith, 473.

6. SECT. XXXVIII. It shall and may be lawful for the mayor of the said city to nominate, and, from time to time, to appoint one or

more clerk or clerks of the markets, who shall have assize of bread, wine, beer, wood, and other things, within the said city, and shall do and perform all things belonging to the office of clerks of the markets, within the said city.

Act of February 12, 1795.

A supplement to the act, entitled "An act to empower the wardens of the city of Philadelphia to extend the market-house in High street, from Third street to Fourth street from Delaware river, and to continue the same from time to time westwardly, from one street to another, in the middle of High street, as the wardens of the said city shall think necessary and for other purposes therein mentioned."—3 Smith, 197.

WHEREAS by an act of the general assembly, passed the twenty-third day of March, one thousand seven hundred and eighty-six, it was enacted, That when the market-house in the city of Philadelphia, in and by the said act directed to be built, should be finished and completed, one half of the said buildings should be and remain free for the country people attending the said market for ever: And whereas the mayor, aldermen and citizens of Philadelphia, by an ordinance made on the eighth day of June, one thousand seven hundred and eighty-nine, did, in pursuance of the views of the legislature, ordain, that the western moiety of the said market-house should be for the use of the inhabitants of the country, as provided for by the act of assembly above mentioned: And whereas the intentions of the legislature appear likely to be frustrated, by the intrusion of persons of a different description from those originally intended to be thus provided for:

7. SECT. I. *Be it enacted &c.* That from and after the passing of this act, it shall not be lawful for any person whatever to sell any beef in the western moiety of the market-house or shambles in High street, between Third street and Fourth street, in the city of Philadelphia; nor for any person exercising the trade of a butcher or victualler to occupy any stall, or sell any meat of any kind, within the said western moiety of the market-house or shambles aforesaid.

SECT. II. The [mayor, aldermen and citizens] of Philadelphia, shall have power to make and enforce such by-laws, rules and ordinances, as may be found expedient for the purpose of carrying this act into execution, conformably to the true intent and meaning thereof. [*All the legislative power of the city vested in the Select and Common Councils, see Corporation. A. A. 40.*]

8. SECT. III. The [mayor, aldermen and citizens] of Philadelphia, in common council assembled, are hereby, authorised to assess, levy and collect, from the inhabitants of the said city, and upon all estates real and personal, and taxables, within the same, such sum or sums of money as they may deem necessary to enable them to extend the market in High street, whenever they may think

proper so to do; which taxes shall be levied and collected in the same manner as the city taxes are.

9. **SECT. IV.** When the market shall be so extended, that one half of the buildings erected shall be and remain free for the country people bringing the produce of their farms to market forever, and agreeably to what is directed by the first section of this act; and that no fees, tolls or perquisites be demanded or exacted from them, for the use thereof.

Act of April 6, 1802.

An act authorising the sale of provisions, vegetables and fruit, in the markets of any city, borough or corporate town within this commonwealth.—3 Smith, 530.

10. **SECT. I.** From and after passing of this act, it shall and may be lawful for any person or persons, to sell or expose to sale, provisions, vegetables or fruit, in the markets of any city, borough, or corporate town within this commonwealth; *Provided always*, that such provisions, vegetables or fruit, shall not have been previously purchased within the limits of such city, borough, or corporate town; any law to the contrary notwithstanding.

Act of March 25, 1805.

An act vesting in the select and common councils of the city of Philadelphia, and the Corporation of the District of Southwark, and the commissioners of the incorporated part of the Northern Liberties, respectively, all and every the powers of regulating the markets, in said city and districts aforesaid, holden on the first day of the week, commonly called Sunday.—4 Smith, 231.

11. **SECT. I.** It shall be lawful for the select and common councils of the city of Philadelphia and the Corporation of the district of Southwark, and the commissioners of the incorporated part of the Northern Liberties, respectively, to make, ordain, and pass, such ordinance, or ordinances, as they may judge proper, for the better regulation of the markets holden in the said city and districts aforesaid, on the first day of the week commonly called Sunday.

SECT. II. So much of the act passed the twenty-second day of April, one thousand seven hundred and ninety-four, entitled "An act for the prevention of vice and immorality, and for other purposes," as relates to the sale of the necessaries of life, on the first day of the week, commonly called Sunday, so far as it respects the city and districts aforesaid, hereby is repealed.

Act of March 19, 1810.

An additional supplement to the act entitled "An act to empower the wardens of the city of Philadelphia to extend the market-house in High-street."—5 Smith, 118.

12. **SECT. I.** It shall and may be lawful for the corporation of the city of Philadelphia, when, and as often as they shall think pro-

per, to extend the market-house in High-street or elsewhere in the said city, to build a market-house or houses, to let or demise the one half of the stalls which they may erect to such persons from the country, as send or carry the produce of their farms to the said market, and to no others, and to let the other half of the stalls so erected at their own discretion to such person or persons, butchers, or victuallers, as to them it may seem proper; any law, usage or custom to the contrary notwithstanding.

13. SECT. II. Whenever the market-houses in High street shall be extended, it shall not be lawful for any victualler to sell any beef in the western moiety of any market-house or shambles that may be erected at any time hereafter in High street; but the western moiety shall be let to such persons from the country, who send or carry the produce of their farms to market, and to no others; and the one half of the stalls that may be erected elsewhere, shall also be let to such persons from the country, who send or carry the produce of their farms to market, and to no others: *Provided*, that the annual rent so to be charged and received, shall not exceed twenty dollars per stall.

Act of December 21, 1812.

An act to authorize the select and common councils of the city of Philadelphia, to erect a market-house in the said city, for the sale of fish exclusively.

14. SECT. I. It shall and may be lawful for the select and common councils of the city of Philadelphia, to cause a suitable market house to be erected for the sale of fish within the said city in High street, east of Front street, and to make such regulations (not inconsistent with the laws of this commonwealth) for the good government of the said market, as to them shall appear useful and expedient: and to demand reasonable fees, tolls, or rents, from all the tenants and occupants of the stands or stalls, within the said market, for the use thereof, any law to the contrary in any wise notwithstanding; *Provided*, that the preference to said stalls shall at all times be given to persons following the occupation of fishermen.

ORDINANCES.

Ordinance of March 29, 1798.

An ordinance for the regulation of the Market held in High street.

WHEREAS the ordinance for the regulation of the market held in High street, in the city of Philadelphia, passed the eighth day of June, in the year of one thousand seven hundred and eighty nine and the supplement thereto, passed the twenty-sixth day of November, in the year one thousand seven hundred and ninety-two, have been found, in some respects, incomplete: *And whereas*, the great

increase of the said market, since the passing of the said ordinance and supplement, renders it necessary to adopt further rules and regulations for the government of the same.

1. SECT. I. *Be it therefore Ordained, &c.* That a market shall be held, in the said city, every Wednesday and Saturday throughout the year, to begin at day light, and end at two o'clock in the afternoon between the first day of April, and the first day of September following, and at three o'clock between the first day of September and the first day of April following; and that the limits of the said market shall be, and they are hereby declared to be, as follows, *to wit*, beginning sixty feet from the east line of King or Water street eastward, in High street, and thence extending westward to the east line of the Fifth street from Delaware, and from the south line of Mulberry street, to the north line of Chesnut street, in Front, Second, Third, and Fourth streets, from Delaware, and in Strawberry alley, Budd's alley (commonly called Elbow lane) Lætitia court and Church alley, and that, within half an hour after the time of sunrising, on every market day, strong chains, well secured, shall be stretched across the passages, hereinafter mentioned, sufficient to prevent any horses, cattle, carts or carriages from entering or passing within the enclosures thereby to be made, leaving nevertheless, intervals, in proper and convenient places, for the passage of persons on foot; *that is to say*,

One chain extending from the south-east corner of the southernmost Engine-house at right angles, to the post on the south side of High street.

One chain across Lætitia court, at the distance of not more than six feet southward from, and parallel to, the south line of High street, leaving room for the passage of persons on foot.

One chain across Strawberry street, one chain across Budd's alley (commonly called Elbow lane.)

One chain extending from the south-west corner of the shambles, near Fourth street, to the line of posts on the south side of High street; all which chains shall remain stretched and fixed from the time aforesaid, until nine o'clock in the morning on all market days, between the first day of April, and the first day of September, and until ten o'clock on all market days between the first day of September and the first day of April—[*The other parts of this section are omitted, having been repealed or supplied.*]

2. SECT. II. All butchers who shall frequent the said market shall remove their carts, carriages and horses wholly without the limits of the said market, before the time of stretching and fixing the said chains, every market day morning, under the penalty of two dollars for every cart, carriage or horse left by him, her, or them, within the said limits, to be recovered with costs, before the mayor or any alderman of the city, as debts under forty

shillings are recoverable, and paid into the treasury for the use of the city.

3. SECT. III. [The east and west sides of Front street, and the west side of Second, Third and Fourth streets, and the north and south sides of High street, between the west line of Fourth street and the east line of Fifth street, within the limits of the said market, herein above mentioned, shall be stands for horses, waggons, carts and carriages, in one single row, each row to be placed as near as possible to the posts or curb-stones by the sides of the street, and leaving the middle and other parts of the said streets open, for the passage of other horses and carriages, to and from the said market : *[Provided, That no horses or carriages shall be placed so near to the corners of the streets, as to obstruct the footways across the streets or so near to each other as to prevent foot passengers from walking between them. [Stands supplied, see post 38, 56, 150.]*

4. SECT. IV. If any owner or driver shall drive or place any waggon or cart, or carriage within the limits of the said market, in a direction contrary to those herein prescribed, or shall leave the same in any passage hereby directed to be left open, longer than is absolutely necessary to unlade the same, to the obstruction of any other waggon, cart or carriage, or when called upon to remove, shall neglect or refuse so to do, every person, so offending, shall forfeit and pay, for every such offence, the sum of two dollars, to be recovered with costs, in the manner and for the use herein before mentioned.

5. SECT. V. The several spaces and portions hereinafter mentioned and described, shall be appropriated and used by the persons, and for the uses, next following such descriptions, *to wit :*

The Jersey shambles, on both sides, from the engine-houses to the western extremities thereof, shall be stands for the inhabitants of Jersey exclusively, to expose for sale their produce. The space from the chain of the engine-house, on the south side of High street, to the breadth of five feet nothward of the posts, and extending westward to the east line of Lætitia court, shall be a row of stands facing the north, for such inhabitants of Jersey as do not occupy stalls in the shambles, to expose their produce for sale, spaces being left at a distance of thirty feet from each other, for persons to pass to and from the front of the line. The space from the chain of the engine-house, on the south side of High street, of the breadth of five feet southward of the Jersey shambles, and extending that breadth to the east line of Second street, leaving the avenues into the said shambles open, shall also be a row of stands for the inhabitants of Jersey to expose their produce for sale. *[See post 154.]*

The space on the south and east fronts of the court house, extending four feet therefrom and leaving the passages between them as wide as those under the court house, shall be occupied by the vendors of fruit and garden seeds.

The whole space under the court house, leaving a passage of the breadth of the entrance from the east to the west into the butchers shambles and cross passages of a convenient breadth, north and south, through the arches, shall be for stands for the inhabitants of the country for the sale of their produce. [*See post, 55.*]

The shambles on both sides, from the west end of the court house to the east end near Third street, shall be stands for butchers as heretofore. [*For other stands, see below.*]

The space under the eaves of the shambles, on the south side thereof, of the breadth of five feet, [beginning five feet from the west end of the court house and extending to the east line of Third street, and] from the west line of Third street, to the east line of Fourth street, shall be for a row of stands for the inhabitants of the country to expose for sale their produce, leaving all the passages between the stalls open for passengers. [*Altered see post 40, 131. For other stands see below.*]

The eastern moities of the stalls, on both sides of the shambles, between Third and Fourth streets, shall be for the use of the butchers, as at present; and the western moities thereof, for the use of the inhabitants of the country, to expose for sale their produce as provided for by the act of assembly for extending the market and the supplement thereto. [*The remainder of this section has been repealed, or rendered obsolete.*]

6. SECT. VI. *And whereas*, it is necessary to accommodate all persons attending the market and conforming to the regulations thereof, *Be it therefore ordained and enacted*, That the city commissioners be, and they are authorised and empowered, whenever they shall think it necessary, to cause a number of moveable stalls to be placed on market days on the south-side of the court-house, for the sellers of fruit and garden seeds.

7. SECT. VII. If any person or persons after the passing of this ordinance, shall wantonly, wilfully, or maliciously, break or otherwise injure the moveable or other stalls which the commissioners are by this ordinance authorised or directed to place, or which may have been heretofore placed in the said market, every person so offending, and every person aiding and concerned in such offence, shall forfeit and pay, for every such offence, a fine of five dollars, to be recovered with costs, in the manner and for the use herein before mentioned.

8. SECT. VIII. All and every the spaces within the limits of the market, not herein above appropriated as stands for carts, carriages and horses, and for exposing goods, and country produce for sale,

shall be, and they are hereby declared to be open and free passages within the said market, and the same shall be kept open and free from all obstructions whatsoever, for the more easy passage of the citizens and others, during the hours of market, and if any person shall keep or place any thing therein, to hinder the free passage of the citizens and others, and shall not forthwith remove such obstructions upon request, every person so offending shall forfeit and pay the sum of two dollars, to be recovered with costs in the manner and for the use herein before mentioned.

9. SECT. IX. No butcher, or other person, shall slaughter or kill any beast within the limits of the said market, nor lay any garbage, dung or offal therein, under the penalty of forfeiting the sum of five dollars for every such offence, to be recovered with costs, in the manner, and for the use, herein before mentioned.

10. SECT. X. No person whatever shall, at any time, sell or expose to sale, any beer, cider, or spirituous liquors of any kind, mixed or unmixed, by retail, within the limits of the said market, under the penalty of forfeiting the sum of five dollars for every offence, to be recovered and appropriated as herein before directed.

11. SECT. XI. No steelyards shall be used within the limits of the said market, and all provisions of every kind, sold by weight or measure, shall be weighed, and measured by weights and measures duly regulated and stamped by the officer legally appointed for that purpose; and if any person shall be guilty of selling by steelyards, or by weights or measures, not regulated and stamped as aforesaid, or by scales falsely balanced, he or she shall forfeit such steelyards weights measures and scales, and pay the sum of five dollars to be recovered and appropriated as herein before directed.

12. SECT. XII. All blocks, benches, tubs, or other things used in the market, for the accommodation of butchers and others, whilst occupying the shambles, shall be placed and kept within the limits of the stalls by them occupied, in such manner as not to extend into the market-houses further than two feet six inches beyond the inner edge of the said stalls respectively, and all persons who shall use or occupy any of the shambles aforesaid, shall immediately, after market hours, on market days, and on other days, before they leave the market, place or cause to be placed, all blocks and benches, used by them in the market, under the planks of their respective stalls, and there cause the same to be secured by strong chains and locks so that the said blocks or benches shall not extend in any way beyond the edges of the said planks, to the interruption of the citizens passing within the market; and if any owner or occupier of any block, bench, tub or other thing used as aforesaid, shall cause or suffer the same to be placed or remain otherwise than is herein before mentioned and directed, such persons so offending, shall for-

feit and pay for every such offence, the sum of two dollars, to be recovered and appropriated as herein before directed.

13. SECT. XIII. No person or persons, shall bring or use any wheel barrow within the market-houses or shambles, on market days and in market hours, under the penalty of one dollar, to be recovered and appropriated as herein before directed.

14. SECT. XIV. No person or persons shall ride, lead, drive, or bring any horse or horses on market days within the limits of the chains as prescribed by this ordinance, during the time of the said chains remaining fixed, under the penalty of forfeiting, for every such offence, the sum of two dollars, to be recovered and appropriated as herein before directed.

SECT. XV. [Supplied, post 146.]

15. SECT. XVI. No person who follows the business of a huckster, or of selling provisions, vegetables, nuts or fruits at second hand, shall at any time sell, or offer for sale, within the limits of the market, any provisions, vegetables, nuts or fruit of any kind, under the penalty of forfeiting, for evrry such offence, the sum of five dollars, to be recovered and appropriated as herein before directed. [Ante 2. and A. A. 10.]

16. SECT. XVII. No person or persons shall, at any time, except on market days and in market hours, sell or expose to sale, either on the shambles or stalls of the market, or on the pavements within or surrounding the same, any soup or soups, under the description of pepper-pot or any other name whatsoever, or boiled Indian corn, pickled oysters or other dressed victuals, under the penalty of forfeiting for every such offence, the sum of one dollar, to be recovered and appropriated as herein before directed.

17. SECT. XVIII. The clerk of the market shall, and he is hereby authorized and empowered, to provide effectual means, that no horses or cattle be permitted to enter within the enclosed market, through any passage whatsoever, and that no cattle of any kind shall be brought or exposed to sale, within the limits of the market herein before described.

18. SECT. XIX. It shall be the duty of the clerk or clerks of the market, and his or their deputies, to attend in the said market, from the beginning to the end of the hours of market on market days, and at such other hours as shall be necessary, in order to enforce obedience to all and every the rules and regulations herein contained, and such other rules and regulations as shall from time to time, be ordained and enacted respecting the said market; and ten minutes immediately before the fixing, of the chains herein before directed to be placed, to cause the court-house bell to be rung, in order to give notice to the butchers to remove their carts and carriages, as herein before directed; To prevent all unsound and unwholesome provisions from being sold, or exposed to sale, by seizing the same, and taking such order thereon, as shall be directed by the mayor or some one of the aldermen, and to weigh, try and examine all bread, butter, lard and other articles of provisions sold in loaves or lumps, of a

given or accustomed weight, to see that the same are of due weight, for which the same are offered, or ought to be, and to try all scales weights and measures, by which any provisions offered for sale in the said market, are to be weighed or measured, and to enforce the payment and recovery of all penalties and forfeitures, which by this ordinance, or by an act of the general assembly of this state, or by common law, are inflicted on any person offending against the rules and regulations of markets in general, or of the said market in particular, and to decide all disputes, which may arise in the said market in particular, and to decide all disputes, which may arise in the said market between buyer and seller, touching weight or measure of the things bought and sold, and to examine all persons suspected of selling provisions as hucksters, at second hand, and to prosecute according to the directions of this ordinance, all such as shall be found offending against the same, [and to collect all and every of the rents of the stalls in the said market, and forthwith to pay the same, after the deduction herein after mentioned, to the treasurer of this corporation, taking receipts for the same,] and to prevent any persons (excepting butchers and country people bringing their produce to market for sale) from exposing to sale any goods wares, merchandize, provisions, or other things whatsoever, on any days, or at any hours, but on market days, and in market hours, in any other manner, or at any other stands, than are herein above directed, and to cause all the pavements under the several rows of shambles and under the court-house to be swept, and all dirt, filth, and snow to be removed from the same into the open streets, by the sides of the shambles, and to take care that the said dirt and filth, as well as that which have been collected, in other parts of the limits of the said market, be removed at least twice in every week, by direction of the city commissioners, who are hereby enjoined and required, to make the necessary provisions for that purpose. *[So much of this section as relates to the collection of rents was repealed by ordinance of Dec. 20, 1810; post 62.]*

19. SECT. XX. [The clerk or clerks of the market, who shall perform the duties of this ordinance required, shall be entitled to detain, out of the rents of the stalls, by him and them collected as aforesaid, after the rate of two and one half dollars in every hundred dollars and no more, for collecting and paying the same, and] the said clerks of the market, shall not receive or take from any person or persons whatever, selling or exposing to sale, any provisions or other articles, in the market, any fee, perquisite, or reward, to his or their own use. *[So much of this section as relates to compensation is repealed, the clerks being now compensated by salaries; see post 124.]*

20. SECT. XXI. The clerks of the market aforesaid, shall be, and they are hereby authorised and empowered to employ two suitable persons, to perform the menial parts of the services required by this ordinance, at such wages as shall be agreed on by the said clerks, with the approbation of the mayor.

SECT. XXII. [Repealed March 9th, 1815.]

21. SECT. XXIII. The mayor and the several aldermen before whom any of the penalties or forfeitures hereby inflicted shall be recovered, shall once in every three months render an account thereof, and of the persons from whom the same shall have been severally recovered and received, and pay the amount thereof to the treasurer of the corporation.

22. SECT. XXIV. No butcher or other person, attending the market with provisions, shall remain on market days within the limits of the same, longer than during the hours of market, under the penalty of forfeiting, for every such offence, the sum of five dollars, to be recovered and appropriated as herein before directed.

Ordinance of January 2, 1800.

An ordinance for the regulation of the market held in Second street.

23. SECT. I. A market shall be held in the city of Philadelphia, on every Tuesday and Friday throughout the year, to begin at daylight and end at two o'clock in the afternoon, between the first day of April and the first day of September following, and at three o'clock, between the first day of September and the first day of April following; and that the limits and extent of the said market shall be, and extend throughout the space called new market square from the south line of Pine street to the north line of Cedar street.

24. SECT. II. The several spaces and portions hereinafter mentioned and described, shall be appropriated and used by the persons and for the purposes hereinafter directed and provided, *to wit*,

The stalls on both sides in the northern and southern shambles, shall be stands for butchers as heretofore, and all and every the spaces within the limits of the market, not herein above appropriated as stands for waggons, carts, carriages and horses, and for exposing goods and country produce for sale, shall be, and they are hereby declared to be, open and free passages within the said market, and the same shall be kept open and free from all obstructions whatsoever, for the more easy passage of the citizens and others, during the hours of market, and if any person or persons shall place or keep any thing therein to hinder the free passage of the citizens, and shall not forthwith remove such obstruction upon request, every person so offending, shall forfeit and pay the sum of two dollars, to be recovered with costs before the mayor or any alderman of the city, as debts under forty shillings are recoverable, and paid into the treasury for the use of the city; and if any person or persons shall use or occupy any stands or space other than that which is hereby appropriated for him, her or them, or shall drive or place his, her or their horse, cart, waggon or carriage in any other place or in any other manner than is hereby directed, he, she or they so offending, shall forfeit, and be adjudged to pay, a fine of two dollars, to be recovered with costs in the manner and for the use herein above mention-

ed. [See post, 146. Other parts of this section have been repealed or supplied.]

25. SECT. III. No butcher or other person shall slaughter or kill any beast within the limits of the said market, or lay any garbage, dung or offal therein, under the penalty of forfeiting the sum of five dollars for every offence, to be recovered with costs, in the manner and for the use herein before mentioned.

26. SECT. IV. No person shall at any time sell, or expose to sale any beer, cider or spirituous liquors of any kind, mixed or unmixed, by retail, within the limits of the said market, under the penalty of forfeiting the sum of five dollars, for every offence, to be recovered with costs in the manner and for the use herein before mentioned.

27. SECT. V. No steelyards shall be used within the limits of the said market; and all provisions of every kind sold by weight or measure, shall be weighed or measured by weights or measures duly regulated and stamped by the officer legally appointed for that purpose, and if any person shall be guilty of selling by steel—yards, or by weights or measures not regulated and stamped as aforesaid, or by scales falsely balanced, he or she shall forfeit such steelyards, weights, measures and scales, and pay the sum of five dollars, to be recovered and appropriated as herein before directed.

28. SECT. VI. No person who follows the business of a huckster, or of selling provisions, vegetables, nuts or fruits, at second hand, shall at any time, sell or offer for sale, within the limits of the market, any provisions, vegetables, nuts or fruit of any kind, under the penalty of forfeiting, for every such offence, the sum of five dollars, to be recovered and appropriated as herein before directed. [See Ante, A. A. 10.]

29. SECT. VII. No person or persons shall bring, or use any wheelbarrow within the market-houses or shambles of the said market, on market days and in market hours, under the penalty of forfeiting for every such offence, the sum of one dollar, to be recovered with costs in the manner and for the use herein before mentioned.

30. SECT. VIII. From and after the publication of this ordinance, all blocks, benches, tubs, and other things used in the market for the accommodation of butchers and others whilst occupying the shambles, shall be placed and kept within the limits of the stall by them occupied, in such manner as not to extend into the market houses further than two feet six inches, beyond the inner edge of the said stalls respectively; and all persons who shall use or occupy any of the shambles aforesaid, shall immediately after market hours, on market days, and on other days, before they leave the market, place or cause to be placed all blocks and benches used by them in the market, under the planks of their respective stalls, and there cause the same to be secured by strong chains and locks, so that the said blocks or benches shall not extend in any way beyond the edges of the said planks, to the interruption of the citizens passing within the said market; and if any owner or occupier,

of any block, bench, tub, or other thing used as aforesaid, shall cause or suffer the same to be placed or remain otherwise than is herein before mentioned and directed, such person so offending, shall forfeit and pay for every such offence, the sum of two dollars, to be recovered with costs in the manner and for the use herein before mentioned.

31. SECT. IX. No person or persons whatsoever, shall at any time (except on market days and in market hours) sell or expose to sale, either on the shambles or stalls of the market, or on the pavements within or surrounding the same, any soup or soups, under the description of pepper-pot or any other name whatsoever, or boiled Indian corn, pickled oysters, or other dressed victuals, under the penalty of forfeiting for every such offence the sum of one dollar, to be recovered in the manner and for the use herein before mentioned.

32. SECT. X. No butcher attending the market with provisions shall remain, on market or other days, within the limits of the same, longer than during the hours of market, on Tuesdays and Fridays, under the penalty of forfeiting, for every such offence, the sum of five dollars, to be recovered and appropriated as herein before directed.

33. SECT. XI. It shall be the duty of the clerk of the said market, and his deputies, to attend in the said market, from the beginning to the end of the hours of market on market days, and on such other days and at such other hours as shall be necessary, in order to enforce obedience to all and every the rules and regulations herein contained, and such other rules and regulations which shall, from time to time, be ordered and enacted, touching the said market, and to prevent all blown, unsound, or unwholesome provisions from being sold or exposed to sale, by seizing the same and taking such order thereon as shall be directed by the mayor or some one of the aldermen, and to weigh, try, and examine all bread, butter, lard, and other articles of provisions sold in loaves or lumps, of a given or accustomed weight, to see that the same are of the due weight for which the same are offered or ought to be, and to try all scales, weights and measures, by which any provisions offered for sale in the said market are to be weighed or measured, and to enforce the payment and recovery of all penalties and forfeitures which by this ordinance, or by any act of the general assembly, or by common law, are inflicted on any persons offending against the rules and regulations of markets in general, or of the said market in particular, and to decide all disputes which may arise in the said market between buyers and sellers, touching the weight and measure of the things there bought and sold, and to examine all persons suspected of selling provisions as hucksters at second hand, and to prosecute, according to the directions of this ordinance, all such as shall be found offending against the same, [and to collect all and every the rents of the stalls in the said market, and forthwith to pay the same after the deduction herein after mentioned, to the

treasurer of this corporation, taking his receipts for the same,] and to prevent any persons (except butchers and country people bringing the produce of their farms or gardens to market for sale) from exposing to sale any goods, wares, merchandize, provisions, or other things whatsoever, on any days or at any hours, but on market days and in market hours, and on market days and in market hours in any other manner, or at any other stands, then as herein above directed, and to cause all the pavements under the several rows of shambles to be swept, and all dirt, filth and snow to be removed from the same into the open streets by the sides of the shambles, and to take care that the said dirt and filth, as well as that which may have been collected in other parts of the limits of the said market, be removed at least twice in every week, by direction of the city commissioners, who are hereby enjoined and required to make the necessary provisions for that purpose. [*Commissioners to collect rents; post 70.*]

34. SECT. XII. [The clerk of the market who shall perform the duties by this ordinance required, shall be entitled to retain out of the rents of the stalls to be by him collected as aforesaid, at the rate of two and one half dollars in every hundred dollars, and no more, for collecting and paying the same and] the said clerk shall not receive or take from any person or persons, selling or exposing to sale, any provisions or other articles in the market, any fee, perquisite, or reward to his own use; and he is hereby authorised and empowered to employ one or more persons to perform the menial parts of the services required by this ordinance [at such wages as shall be agreed on with the approbation of the mayor.] [*see post 48, 124.*]

SECT. XIII. [Repealed March 9, 1815.]

35. SECT. XIV. The mayor and the several aldermen, before whom any of the penalties or forfeitures hereby inflicted shall be recovered, shall, once in every three months, render an account hereof, and of the persons from whom the same shall be severally recovered and received, to the treasurer of the corporation, and shall pay the amount thereof to him.

Ordinance of April 2, 1801.

An ordinance respecting the purchase of fresh shad and herring at second hand.

36. From and after the passing hereof, no ordinance or ordinances of this corporation shall extend, or be construed to extend, to prevent the purchase or sale of fresh shad or herring at second hand within the limits of the markets of the city of Philadelphia, at the places therein appropriated for the sale of fresh fish.

Ordinance of May 22, 1801.

A supplement to the ordinances for the regulation of the markets in High and Second streets.

37. **SECT. I.** The limits of the High street market shall be extended from the north line of Mulberry street to the south line of Sassafras street, along Front street, and from the west line of Water street, westward, along Mulberry and Chestnut streets to the east line of Fourth street.

38. **SECT. II.** The several spaces and portions hereinafter mentioned and described, shall be appropriated to the following uses, *viz.* The east and west sides of Front street, from the north line of Chestnut to the south line of Sassafras street, leaving Mulberry and High streets open, and the west side of Second and Third streets, from the south line of Mulberry to the north line of Chestnut street shall be stands for horses and carriages to be placed in a single row, as near as possible to the posts or curb stones, leaving High street open, in which carriages the inhabitants of the country may expose for sale the products of their farms; the south side of Chestnut street, and the north side of Mulberry street, from the west line of Front street to the east line of Fourth street, shall be stands for the horses and empty carriages of those persons who are provided with other stands for the sale of their produce, which shall be placed in a single row, as near as may be, to the post or curb stones, leaving Second and Third streets unoccupied. [See post 123.]

SECT. III. [Obsolete.]

39. **SECT. IV.** Nothing contained in any ordinance of this corporation shall be so construed and adjudged as to prevent the venders of meal and flour at second hand, from selling those articles within the limits of the High street market.

40. **SECT. V.** The eaves of the eastern moiety of the shambles in the High street market between Third and Fourth streets, on both sides thereof shall be appropriated as a stand for the venders of meal and flour. The said eaves shall be marked and numbered at suitable distances; every person occupying the said stand shall pay rent for the same, to be collected and recovered in the manner prescribed in respect to other market rents.

41. **SECT. VI.** All persons shall remove their carts, carriages and horses wholly without the limits of that part of the market which is included within the chains directed to be fixed by the ordinance for regulating the market in High street, before the time prescribed for stretching said chains; nor shall any person or persons bring or use, on market days, any wheelbarrow within the limits last above described during the time the said chains remain stretched, under the penalty of one dollar for every offence, to be recovered with costs before the mayor or any alderman of the city, as debts under forty shillings are recoverable, and paid into the treasury for the use of the city.

42. SECT. VII. If any person or persons shall at any time, sell, or offer for sale, in either of the markets of this city, any blown meat, every such person or persons shall, in addition to the forfeiture provided in the nineteenth section of the ordinance for regulating the market in High street, forfeit and pay a fine of five dollars, to be recovered with costs in the manner and for the use herein before mentioned.

43. SECT. VIII. If any person or persons shall wilfully break, or otherwise injure the moveable stalls, which the commissioners are hereby directed to place, or which heretofore have been placed, or may, by ordinance or resolution of the select and common councils, be hereafter directed to be placed in the said markets, every person so offending, and every person aiding or abetting therein, shall forfeit and pay for every such offence, a fine of five dollars, to be recovered with costs in the manner and for the use herein before directed, and shall moreover be liable to a suit for the recovery of the damages done to said stalls.

SECT. IX. [Salary of the clerks ; repealed.]

SECT. X. Such parts of the ordinance to which this is a supplement, as are inconsistent with the provisions herein contained, are hereby repealed and made null and void.

Ordinance of March 28, 1804.

An ordinance for extending the market house in Second street, and for other purposes.

44. SECT. I. The city commissioners are hereby authorised and required to cause, as soon as possible after the passing of this ordinance, the market house in Second street, to be extended, in complete uniformity with the part already erected, to within thirty feet of the south line of Pine street, with the addition of two fire engine houses, to be continued from the north end of the said market house, when extended as above directed, to within fifteen feet of the said south line of Pine street, to be built of the same materials as the said market house, and in such form as by the said city commissioners may be deemed most suitable. [See post 47.]

45. SECT. II. The north moiety of the said additional part of the market house, when erected as aforesaid, is hereby appropriated, free of any charge or expense, for the sole use and accommodation of country people bringing the produce of their farms to market.

46. SECT. III. Any persons bringing their marketing to the said market for sale, laden on horses, carts or other carriages, shall cause the same to be unladen as soon as may be, and forthwith remove without the limits of said market their said horses, carts, and carriages, under the penalty of two dollars for every neglect of such removal, to be recovered with costs before the mayor, or any alderman of the city, as debts under forty shillings are by law recoverable ; one half to be paid into the treasury for the use of the city, and the

other to the person suing for the same ; *provided*, however, that nothing herein contained shall prevent country people from disposing of their marketing, in their carts or carriages, standing in a single row along the west side of Second street, between Pine and Cedar streets, [with their fronts towards the said Cedar street,] and placed as near as may be to the posts or curb-stones. [*The words between brackets, although in the early edition of the ordinances, are not recorded.*]

SECT. IV. V. VI. VII. [*Supplied or obsolete.*]

Ordinance of August 16, 1804.

A supplement to an ordinance entitled, "An ordinance for extending the market in Second street, and for other purposes."

47. SECT. I. *Be it ordained, &c.* That the city commissioners cause to be erected on the north end of the shambles in Second street, a brick house, beginning within eight feet of the south line of Pine street, and extending twenty-six feet in length southward, more or less, by thirty feet in breadth east and west, two stories high, the lower story to be so constructed as to hold two fire engines with their apparatus, as provided by the ordinance to which this is a supplement ; the second story to be finished in one room, with as many closets therein as the city commissioners may think necessary for the use of such fire companies as may think proper to meet therein, and for other public purposes : That there be three windows in the north end, and two in each side, of such dimensions as the commissioners shall think conformable to the size of the building : and that there be left an aperture in the wall of the north end suitable to fix a clock in. And further, that they cause to be erected on the top of said building a cupola, sufficiently high and strong, on which to hang an alarm bell ; and that in all other respects the said building be finished in a similar manner with the house already erected at the south end of said shambles. [*See ante 44.*]

SECT. II. [*Obsolete.*]

SECT. III. So much of the ordinance to which this is a supplement, as is contrary to the provisions herein contained, and no more, is hereby repealed.

Ordinance of April 3, 1805.

An ordinance to increase the salary of the clerk of Second street market, and to make further allowances for performing the menial services in the said market.

48. [From and after the passing of this ordinance, the compensation of the clerk of Second street market, shall be at the rate of three hundred dollars per annum, to be paid quarterly, and] one hundred dollars per annum shall be allowed to the persons em-

ployed by the said clerk for performing the menial services of said market ; any ordinance, or part of ordinance, heretofore enacted, to the contrary notwithstanding. [*See post* 124.]

Ordinance of December 11, 1805.

A supplement to the several ordinances heretofore passed for the regulation of the markets in Second street.

49. SECT. I. No person or persons shall occupy any, or either of the said stalls, stands, or space in the said market free of rent ; and if any person or persons, shall, after the passing of this ordinance, use or occupy and stalls, stands, or space, in the said market, without authority for so doing, he, she or they, so offending, shall forfeit, and be adjudged to pay a fine of two dollars, to be recovered with costs, in the manner and for the uses declared in the several ordinances to which this is a supplement ; saving and reserving the rights and privileges, as heretofore granted to the country people, in the several ordinances passed for the regulation of the aforesaid market. [*See post* 146.]

Ordinance of March 27, 1809.

An ordinance for enlarging the market-house in Second street, and for other purposes.

50. SECT. I. The city commissioners are hereby authorized and required to cause as soon as possible after the passing of this ordinance, the market-house in Second street to be enlarged, agreeably to a plan heretofore submitted to councils, and now deposited in the office of the city commissioners—*Provided*, that nothing therein contained shall be construed to authorise the commissioners, to take down the houses at the end of said market-house or either of them.

51. SECT. II. All the western moiety from Pine to Cedar streets of the said additional part of the market-house, when erected as aforesaid is hereby appropriated for the sole use and accommodation of country people bringing the produce of their farms to market, they paying rent for the same.—*Provided*, that the passages between the stalls, shall be left free and open as heretofore.

52. SECT. III. All the eastern moiety of the said additional part of the market-house, when erected as aforesaid, is hereby appropriated to the venders of vegetables raised on their farms or gardens, they paying a reasonable rent for the same.

53. SECT. IV. Any persons bringing their marketing to said market for sale, laden on horses, or on carts, or other carriages, shall be subject to the same rules and regulations as are now in force, for the government of the market held in Second street.

SECT. V. VI. VII. VIII. [*Supplied and obsolete.*]

SECT. IX. That so much of any ordinances for regulating the market held in Second street, as is hereby altered and supplied, be and the same is hereby repealed.

Ordinance of March 29, 1810.

An ordinance for extending the market-house in High street from Fourth to Sixth streets.

54. SECT. I. The city commissioness are hereby authorized and required to cause and procure as soon as possible after the passing of this ordinance, market-houses to be built and erected in High street along the middle thereof, between Delaware Fourth and Fifth streets, beginning within thirty feet of the west line of said Fourth street, and extending westward to within thirty feet of the east line of said Fifth street, and between Delaware Fifth and Sixth streets, beginning within thirty feet of the west line of said Fifth street, and extending westward [till the said mentioned market-house joins to and unites with a brick house herein after mentioned:] and the piers or columns of the said market-houses shall be not less than eight feet high, and in no instance, regard being had to the necessary levels, more than ten feet high, and the width or breadth of the said market-houses shall be the same with that of the market-houses already erected in High street; and the said market-houses shall be finished according to a plan and model deposited in the office of the city commissioners.

SECT. II. [The city commissioners shall cause to be erected a three story brick house, connected with, and at the west end of the said market-house, between Fifth and Sixth streets, beginning within thirty feet of the east line of Sixth street and extending fifty feet in length eastward by twenty-eight feet in width. And that they cause to be erected on the said three-story building a cupola sufficiently high and strong on which to hang an alarm bell; and that the said three story building shall be finished according to the plan above mentioned. *Repealed, see below.*]

SECT. III. and IV. [Temporary.]

Ordinance of April 20, 1810.

A supplement to an ordinance entitled "An ordinance for extending the market-house in High street from Fourth to Sixth streets."

Be it ordained &c. That so much of the ordinance, entitled "an ordinance for extending the market-house in High street from Fourth to Sixth streets," passed on the twenty-ninth day of March last, as provides for the erection of a three story brick building attached to the western termination of the said market-house, near Sixth street, be, and the same is hereby repealed; and that in lieu

thereof, the said market-house be extended to the distance of thirty feet eastward of Sixth street aforesaid.

SECT. II. and III. [*Temporary.*]

Ordinance of April 20, 1810.

An ordinance for letting the space under the court-house in High and Second streets.

55. SECT. The city commissioners, are hereby required to rent the stands lately erected under the old court-house, under such rules and regulations as the other stalls in the market are, or may be rented, any ordinance or part of any ordinance to the contrary notwithstanding. [*See ante 5.*]

Ordinance of July 16, 1810.

A supplement to an ordinance for extending the market-house in High street from Fourth to Sixth streets.

SECT. I. [*Authorizes a loan.*]

56. SECT. II. So much of any ordinance or ordinances as fixes the stands of waggons or carts bringing produce to market, between Fourth and Sixth streets, is hereby repealed, and the stands for waggons or carts are hereby fixed in that of High street west of Sixth street. [*The market-houses subsequently extended to Eighth street, post 147.*]

Ordinance of December 20, 1810.

A further supplement to the several ordinances heretofore passed for regulating the market held in High street.

57. SECT. I. The city commissioners shall forthwith advertise daily, in one or more of the newspapers of the city, until the last Saturday in the present month, that the stalls in the market-houses lately erected between Fourth and Sixth streets will be rented on that day, on which day they are hereby authorised and directed to rent the same, or so many of them as there may be suitable applications for, for the term of one year, to commence on the first day of January next ensuing, for the highest and best rents that can be gotten for the same; those on the western moiety both inside and outside of the eastern moiety of both houses, to country persons bringing or sending the produce of their farms to market, and to none others, and the inside stalls in the eastern moiety of both houses to butchers, or in case they shall not be applied for by butchers, then to country persons, bringing or sending the produce of their farms to market; provided always that the annual rent to be charged to country persons aforesaid shall, as to the western moiety of said market-houses in no case exceed twenty dollars per stall.

58. SECT. II. In order to prevent any unfair preference or choice being given to any applicant for a stall in either or any part of the said markets, the said commissioners are hereby required, on the said last Saturday in December, to determine the choice of the said stalls fairly, by lot, among the several and respective applicants.

59. SECT. III. Every renter or occupier of a stall, in either of the said new market-houses, shall at the end of each and every market, take down the posts and rails erected on the said stalls, and place them beneath the same, under the penalty of two dollars for every neglect or refusal.

60. SECT. IV. All and every the provisions made or contained in, and all the penalties imposed by the ordinances to which this is a further supplement, for the regulation, government and well ordering of the markets in High street, and for the preservation of the houses, stalls and other parts of the said markets, are hereby extended and fully applied to the market-houses lately erected, and to the markets therein to be held, where the same are or may be applicable.

61. SECT. V. All butchers who shall hereafter frequent or use any of the markets in High street, whether on market or other days, shall within half an hour after entering the same with their marketing, remove their carts, carriages and horses wholly without the limits of the said High street market, under the penalty of two dollars.

62. SECT. VI. From and after the first day of January next, the rents of all the stalls or stands in the said High street market of what kind or description soever, or wheresoever in the said street situate shall in every case be paid to the city commissioners at their office, one year in advance; and if the same be not so paid, or within four weeks after the time of renting the same, then and in every such case, the right to any stall or stand shall be forfeited by the persons so defaulting, and the same be forthwith let to such other suitable person or persons as shall advance the rent as aforesaid.

SECT. VII. [Provides for removal of certain moveable stalls.]

63. SECT. VIII. That the penalties inflicted by this ordinance be recovered in the manner and for the use mentioned in the ordinances to which this is a further supplement.

SECT. IX. So much of any ordinance, or ordinances, as is inconsistent with the provisions herein contained, is hereby repealed.

Ordinance of June 13, 1811.

A supplement to the ordinance for the regulation of the market in Second street.

64. SECT. I. From and after the passing of this ordinance, any person or persons bringing horses, carts or carriages to the market in Second street, for the purpose of removing marketing or other articles therefrom, shall cause the said marketing and other articles to be laden as soon as may be, and after having so laden the same,

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shall forthwith remove without the limits of the said market their said horses, carts and carriages, under the penalty of two dollars for every such neglect so to lade and remove, to be recovered with costs by the clerk or any other person before the mayor or any alderman of the city, as debts under forty shillings are by law recoverable, one half thereof to be paid into the treasury of the city, and the other to the person suing for the same.

65. SECT. II. If any person or persons shall salt or cause to be salted any kind of meat on any of the stalls in the said market, or shall throw out any pickle on any of the said stalls, under the eaves or within the limits of the said market, he, she or they so offending, shall for every such offence forfeit and pay the sum of four dollars to be recovered with costs by the clerk or any other person, in the manner, and for the use herein before mentioned.

66. SECT. III. If any person or persons shall, wantonly, wilfully or maliciously bruise or otherwise injure any of the columns of the said market-house, or shall tie or make fast any horse or any other animal thereto, every person or persons so offending, shall forfeit or pay for every such offence the sum of four dollars to be recovered in the manner and for the use herein before-mentioned, and shall moreover be liable to a prosecution to make good the damages done thereto.

67. SECT. IV. The city commissioners are hereby authorized and directed to appoint one watchman for the said market at certain monthly wages, who shall be invested with the same authority as the other watchmen of the city, and whose duty it shall be to attend in the said market every evening from sun set until eleven o'clock P. M. and on the first day of the week, commonly called Sunday, from sun rise until ten o'clock A. M. for the purpose of taking up, securing and bringing before the mayor, or any alderman, every vagrant, or any riotous or disorderly person or persons that may be found harbouring in or about said market, to be dealt with as the law in such case directs.

SECT. V. VI. VII. [*Repealed.*]

Ordinance of December 26, 1811.

A further supplement to the ordinances for the regulation of the markets held in High and Second streets.

68. SECT. I. From and after the first day of January next, the chains, which are extended on market days across Second and Third streets, at and near the intersections of High street, shall be discontinued, and instead thereof it shall be the duty of the clerks of the High street market, to cause chains to be placed during market hours of market days on each side of the said Second and Third streets, in a north and south direction, so as effectually to prevent the passage of horses, cattle or carriages from the said Second and Third streets

into the cartway on the south side of the market-houses, situate in the said High street, between Front and Fourth streets. [See ante 1.]

SECT. II. From and after the said first day of January next, the moveable stalls usually placed along the south side of High street, between Second and Third streets, and those usually placed between the Court house and the east side of Second street, shall be discontinued. [*The rest of this section repealed and supplied.*]

69. SECT. III. In addition to the spaces already set apart for the same purposes, the following shall be appropriated as stands for the horses and empty carriages of those persons who are provided with other stands for the sale of their produce, to wit, the east side of Fourth street and the south side of Mulberry street, opposite to the wall of the Friends' burial ground, the east side of Fifth street and the south side of Mulberry street, opposite to the wall of the Episcopal burial ground, leaving spaces of thirty feet in front of each of the gates of entrance of the said burial grounds; [also the south side of Minor street,] upon which stands, the said horses and carriages shall be placed in the manner prescribed by existing ordinances. And if any horse or carriage of the description aforesaid, shall be put or left in any part of the public streets, lanes or alleys of the city, other than the stands aforesaid, or those appropriated to the same purposes, or if any horse accompanying any such carriage or otherwise shall encroach upon any of the footways of the city, the owner, or person having charge of such horse or carriage shall, for each and every offence, forfeit and pay the sum of two dollars, to be recovered with costs before the mayor or any alderman of the city, in the manner and for the uses mentioned in the second section of the ordinance entitled an ordinance for the regulation of the market held in High street. [*See post 115, 129, 150.*]

70. SECT. IV. From and after the first day of January next, the rent of all the stalls or stands in the market in Second street, of what kind or description soever, or wheresoever in the said market situate, shall be paid to the city commissioners, at their office, one year in advance, and if the same be not so paid, or within four weeks after the time of renting the same, then, in every such case, the right to any stall or stand shall be forfeited by the person or persons so in default, and the same shall be forthwith let to such other person or persons as shall advance the rent as aforesaid.

SECT. V. [*Salary of clerk; repealed December 16, 1819.*]

SECT. VI. So much of any ordinance or ordinances, as is inconsistent with the provisions herein contained, shall from and after the said first day of January next be repealed.

Ordinance of February 27, 1812.

A further supplement to the ordinances for regulating the markets held in High and Second streets.

71. **SECT. I.** From and after the tenth day of March next, any butcher, victualler or other person, who may be found occupying any of the unleased rentable stalls or stands in the market-houses erected in High and Second streets, for the purpose of exposing meat or other provisions for sale, shall forfeit and pay for every such offence the sum of five dollars, to be recovered in the manner, and for the use mentioned in the ordinances to which this is a further supplement.

72. **SECT. II.** The city commissioners are hereby authorised and directed to appoint one watchman for the High street market, at certain monthly wages, who shall be invested with the same authority as the other watchmen of the city, and whose duty it shall be to attend in the said market every evening from sun set until eleven o'clock, P. M. and on the first day of the week, commonly called Sunday, from sun rise until ten o'clock, A. M. for the purpose of taking up, securing and bringing before the mayor or any alderman, every vagrant, or any riotous or disorderly person or persons that may be found harbouring in or about the said market, to be dealt with as the law in such case directs.

Ordinance of June, 17, 1813.

An ordinance for building a market-house in Broad street, between Chestnut and High streets.

73. **SECT. I.** The city commissioners are hereby authorised and required to cause and procure, as soon after the passing of this ordinance as possible, a market-house to be built and erected in Broad street, along the middle thereof, between Chestnut and High streets, beginning within fifty feet south of the centre square circle, and extending southward to within thirty feet north of Chestnut street, and the piers or columns of the said market house shall not be less than eight feet high, and, regard being had to the necessary levels, in no instance more than ten feet high, and the width or breadth of the said market-house shall be the same between the piers as those heretofore erected in High street, west of Fourth street; the eaves shall project two feet further outside of the piers, and be supported by turned columns, in the same manner as that in Second street north of South street, and in all other respects it shall be finished according to the model and plan of the market houses newly erected in High street, provided, however, that the subscribers to the petition for the market-house hereby authorised to be built, shall contribute in cash, and materials at a cash price, the sum of one thousand dollars, towards defraying the expense of erecting the said market-house, and shall

also loan such further sum, as may be necessary to finish the same for two years without interest.

Ordinance of January 27, 1814.

A supplement to an ordinance, entitled, "An ordinance for the better regulation of the market in Second street, and for other purposes."

SECT. I. [Repealed the 5, 6, and 7th. sections of the ordinance of June 13, 1811, *ante.*]

74. SECT. II. From and after the passing of this ordinance, no butcher's meat, fish, fowl, or vegetables shall be sold or exposed for sale, in any of the market places, streets, lanes, courts or alleys, within the city, on the first day of the week commonly called Sunday, under a penalty of five dollars for every such offence, to be recovered before the mayor or any alderman of the city, as debts under five dollars and thirty three cents and recoverable, for the use and benefit of the prosecutor. [*See post 125, as to Broad street market.*]

75. SECT. III. A market may be holden in the market-house in Second street, from six till nine o'clock in the evening of every Saturday, from the first day of June, until the fifteenth of September, in every year, for the sale of the necessaries of life, and be under the same regulations as the market held at any other time in the city.

SECT. IV. [Repealed.]

76. SECT. V. It shall be the special duty of the high constables and the clerks of the market, to see this ordinance carried into effect.

SECT. VI. All other ordinances, or parts of ordinances, which are hereby altered and supplied, are hereby repealed.

Ordinance of April 14, 1814.

A supplement to "An ordinance for regulating the market in Second street".

SECT. I. From and after the passing of this ordinance, the fourth section of an ordinance, entitled, "An ordinance for the better regulating of the market in Second street," passed the 27th day of January, 1814, is hereby repealed.

77. SECT. II. From and after the passing of this ordinance, the stands for all horses, carts, and other carriages, excepting those which are provided for by the third section of "An ordinance for extending the market in Second street," passed March the 28th, 1804, shall be the south side of Pine, Lombard and Cedar streets, from twenty feet west of Front street to twenty feet east of Fourth street, and shall be arranged in the following order: Those whose stands may be to the eastward of Second street, shall deposit their carts or other carriages in one single row as near the posts or curb-

stone as may be with the head of the animal eastward, and when ungeared shall be made fast to the front part of the wheel next to the street, and each cart or other carriage, in succession, shall be placed over the shafts of the former. Those whose stands may be to the westward of Second street, shall be arranged in like manner with their heads to the westward, paying due attention that no cart or other carriage shall be placed nearer the intersection of any street or alley than twenty feet, under a penalty of two dollars for every neglect or refusal duly to attend to the provisions of this ordinance, to be recovered by the clerk of the said market, or any other person, before the mayor or any other alderman, as debts under five dollars thirty three cents are recoverable, and paid into the city treasury for the use of the city. [See post 108, 116.]

SECT. IH. Any ordinance, or parts of ordinances, that are contrary to or supplied by this ordinance is hereby repealed.

Ordinance of April 21, 1814.

An ordinance for repealing an ordinance, entitled, "A supplement to an ordinance, entitled an ordinance for the regulating of the market held in High street, passed the 23d December, 1813," and for altering in part, the ordinances for the regulation of the markets in the city of Philadelphia.

78. SECT. I. [Renting of stalls in the Jersey market to Jersey farmers; *Supplied, post 152.*]

79. SECT. II. It shall and may be lawful for the said farmers, to vend in the said market with their own produce the produce of any other farmers residing in the said state, who may not find it convenient at that time, to attend the market. And it shall and may be further lawful, for such other inhabitants of New Jersey, as are not stall renters, to vend produce raised in New Jersey, on the stalls and stands in the said market that may be rented to other persons, provided they obtain permission and consent of such stall renters; and the said inhabitants so using the said stalls or stands, shall not be liable for any fine, penalty, or forfeiture for so doing, when such consent has been previously had and obtained. And every such inhabitant occupying the said stalls or stands, without such consent, shall forfeit and pay for every such offence, the sum of two dollars, to be recovered in manner aforesaid.

80. SECT. III. It shall not be lawful for any farmer, butcher, or other person whatsoever, renting stalls or stands in any of the markets of the city, to sell on their own account, or on account of any other person, or suffer any other person to sell on their own account, or on account of others, on such stalls, fresh or salt meat, game, poultry, or other animal provisions, that shall have been previously purchased within the limits of the city, and every person so offending, shall forfeit and pay for every such offence the sum of five dollars, to be recovered before the mayor or any alderman of the city, one half thereof to the use of the city, and the other half to the use of the person suing for the same; and shall, moreover,

forfeit all their right to the stalls or stands occupied by them, and be incapable of renting or occupying any other stalls or stands, in any of the markets in the city for the space of two years.

SECT. IV. [*Supplied post*, 133.]

SECT. V. The ordinance entitled a supplement to an ordinance, entitled an ordinance for the regulating of the market held in High street," passed the 23d December, 1813, is hereby repealed (saving all contracts and agreements made under it) also all such parts of any of the ordinances relating to the markets in the city, as may be inconsistent with the provisions herein contained.

Ordinance of August 6, 1814.

An ordinance establishing a market in Broad street, and for the regulation of the same.

81. SECT. I. A market shall be held in the city of Philadelphia, on every Wednesday and Saturday, throughout the year, to begin at day-light, and to end at two o'clock in the afternoon, between the first day of April, and the first day of September following, and at three o'clock between the first day of September, and the first day of April following, and that the limits of the said market shall extend to and include all that part of the Centre Square lying south of the semicircular footway, and Broad street from the south line of the public square, to the north line of Chesnut street.

82. SECT. II. That part of the Centre Square, before mentioned, south of the semicircular footway, shall be stands for waggons, carts, sleds, and other carriages, of country people bringing the produce of their farms to market who are not provided with other stands, for the sale of their said produce; the said waggons, carts, sleds, and other carriages, to stand in a single row, as near as may be to the said footway, with their fronts to the south. *Provided*, that no horses or carriages of any description, shall be placed so near the intersection of any street, or footway, as to obstruct the passages across or over the same, or so near to each other as to prevent foot passengers from passing freely between the same; and if any person or persons, shall place their waggons, carts, sleds, or other carriages, in any other manner than as is herein directed, or shall obstruct the said passages or footways, every such person or persons, shall, for each and every offence, forfeit and pay the sum of two dollars, to be recovered with costs, before the mayor, or any alderman of the city, as debts under forty shillings are recoverable, and the same shall be paid into the treasury for the use of the city.

83. SECT. III. The vacant space between the fronts of the said carriages, approaching to within twenty feet of the south line of the Centre Square, shall be stands for the horses and empty carriages of those persons, who are provided with other stands in the said market, and if any horse or carriage shall be placed, otherwise than is herein directed, the owner or person having charge of such horse

or carriage, shall for each and every such offence, forfeit and pay the sum of two dollars, to be recovered with costs in the manner and for the uses before mentioned.

84. SECT. IV. All butchers or other persons frequenting the said market, shall unlade their horses, carts or other carriages, without delay, and shall immediately after remove the same without the limits of the said market, under the penalty of two dollars, for each and every such offence, to be recovered with costs, in the same manner and for the uses before mentioned.

85. SECT. V. Both sides of the northern moiety of the said market-house, included within the brick piers, shall be, and is hereby appropriated to the use of persons from the country who send or carry the produce of their farms to market, and to no others. The southern moiety, on both sides, within the said piers, shall be for the use of butchers. The space of twenty feet from the north line of the said market-house, under the eaves on both sides thereof, shall be stands for the sale of earthen ware and other articles of American manufacture. A moiety of the residue of the said market-house, under the eaves on both sides thereof, shall be stands for the sale of all manner of roots, herbs, and vegetable provisions. The remaining moiety, under the western eave, shall be stands for the sale of fish, and the other moiety under the eastern eave, shall be stands for the sale of meal, leaving all the passages between the stalls open for passengers; and if any person or persons shall use or occupy, any stand or space, other than that which is hereby appropriated for him, her, or them, he, she, or they, so offending, shall forfeit and pay the sum of two dollars, to be recovered with costs, in the manner and for the uses herein beforementioned. [*See post*, 146.]

86. SECT. VI. Every renter or occupier of a stall in the said market house, shall at the end of each and every market, take down the posts and rails, erected on the said stalls, and place them beneath the same, under the penalty of two dollars, for every neglect or refusal so to do, to be recovered in the manner and for the use before mentioned.

87. SECT. VII. The commissioners shall forthwith advertise daily in two or more newspapers published in the city of Philadelphia, for twenty days, that on the last day of the said period, the stalls in the said market-house will be rented, on which day they are hereby authorized to rent the same, or so many of them, as there may be suitable applications for, for the term of one year, to commence on the first day of January next ensuing, for the highest and best rents that can be obtained for the same, except those on both sides of the northern moiety, included within the brick piers, which shall not exceed twenty dollars per stall; and the said commissioners are hereby required to determine the choice of the said stalls fairly by lot, among the respective applicants; and the rents of all the stalls and stands in the said market, of what kind or description soever, shall in every case be paid to the commissioners at their office, one year in ad-

vance, and if the same be not so paid, or within four weeks after the time of renting the same, then, and in every such case, the right to any stall or stand shall be forfeited by the persons so defaulting, and the same be forthwith let to such other other suitable person or persons, as shall advance the rent as aforesaid.

88. SECT. VIII. The mayor is hereby authorised and requested to appoint, as soon as he may think the state of the market may require it, a discreet and suitable person to be clerk of the said market, who shall do and perform all such acts, matters, and things, as is directed by this ordinance, or may be hereafter from time to time directed by ordinance or resolution of the select and common councils, and shall also do and perform all similar duties in the said market, to the duties exacted and required to be done and performed by the clerk of the market in Second street, by virtue of an ordinance, entitled "An ordinance for the regulation of the market held in Second street," passed the 2d January, 1800, and the several supplements thereto, and such other ordinances as are hereby adopted, so far as the same shall and may be applicable to the market in Broad street.

SECT. IX. [Repealed January 10, 1822.]

89. SECT. X. The said clerk shall be entitled to receive for his services, at the rate of one hundred and fifty dollars per annum, payable quarterly, by orders drawn by the mayor.

90. SECT. XI. All and every the provisions made or contained in, and all the penalties imposed by the ordinance entitled "An ordinance for the regulation of the market held in Second street," passed the second day of January, eighteen hundred, and the several supplements thereto, for the regulation, government, and well ordering of the market in Second street, and for the preservation of the houses, stalls, and other parts of the said market, and the ordinance, entitled "An ordinance for repealing an ordinance entitled a supplement to an ordinance entitled an ordinance for the regulating of the market held in High street, passed the 23d day of December, 1813, and for altering in part the ordinances for the regulation of the market in the city of Philadelphia, passed 21st day of April, in the year of our Lord 1814, for the regulation of the Jersey market, and the markets in the city of Philadelphia," be, and the same are hereby extended and fully applied to the market-house in Broad street, and the markets therein to be held, where the same are or may be applicable.

Ordinance of March 23, 1815.

An ordinance for building a fish-market in High street east of Water-Street.

91. SECT. I. The city commissioners are hereby authorized and required to cause and procure as soon after the passing of this ordinance as possible, a market-house, to be built and erected in High street along the middle thereof between Water street and the river Delaware, commencing fifty feet from the east line of Water street, and running one hundred and fifty six feet eastward towards the river Delaware, and the centre shall be eighteen feet, including the brick piers, the eaves shall project seven feet on each side, and be

supported by turned columns in the same manner as the market house in south Second street, and in all other respects it shall be finished according to a plan deposited in the office of the city commissioners, excepting so far as regards stalls being placed thereon.

92. [SECT. II. Authorised a loan for the purpose.]

Ordinance of October 26, 1815.

A supplement to an ordinance for building a fish-market-house in High Street east of Water street.

93. SECT. I. The arrangement and size of the baskets, their stands and numbers, to be used in said fish-market, in High street, east of Water street, shall conform to a plan deposited in the office of the city commissioners, and the city commissioners are hereby directed, forthwith to have one basket made conformably to said plan, for the said purpose of a standard size, to which all persons vending fish in said market, shall invariably conform, in the construction and dimensions of their baskets.

Ordinance of January 30, 1816.

Supplement to an ordinance entitled, "an ordinance, for building a fish-market-house in High street east of Water Street."

94. SECT. I. The market-house erected at the east end of High shall be hereafter used as a market for the sale of fish, and such other articles as by ordinance is or may be directed.

[The remainder of this section repealed and supplied *See post*, 107, 113, 117.]

95. SECT. II. On every day, Sunday excepted, immediately after market hours, the market-house shall be swept, and the filth washed into the river by means of a hose attached to a fire plug at the west end of the market-house, except during the months of December, January, and February, when it shall be cleansed as often as necessary, [*Post*, 113.]

96. SECT. III. All persons occupying stands for the sale of fish in said market, during the shad and herring season, shall expose their fish for sale in baskets made conformably to the standard pattern in the office of the city commissioners, and shall have their baskets numbered to correspond with the numbers of their respective stands, and shall cause them to be washed clean at least three times a week; and if they or any one of them shall neglect so to do on conviction of such an offence before the mayor or any alderman of the city, he, she, or they shall pay a fine of five dollars for the use of the city, and the costs of suit.

97. SECT. IV. No stale and unwholesome fish shall be brought into the said market for sale, and if any person or persons shall expose for sale in said market, any stale and unwholesome fish, and there or any where else apply blood or any other matter to the gills or other parts of the fish so brought into the city for sale, or shall expose for sale, any stale fish so prepared, with a view to deceive the purchaser, he, she or they being duly convicted of such offence, shall forfeit and pay a fine of five dollars for the use of the city, with costs of suit, to be recovered in manner aforesaid; and if any person or

persons shall be legally convicted a second time of the same offence he, she or they shall pay a fine of ten dollars with costs of suit, and the like sum of ten dollars with costs of suit on conviction of every subsequent offence of the like kind, for the uses herein before mentioned.

98. SECT. V. [No person or persons shall bring within the limits of the market-house, during the market hours, any wheelbarrow or any other article which shall obstruct the passage ways thereof, under the penalty of two dollars with costs of suit, and] no part of the street on each side of the market house, or between the east line of Water street, and the west end of the said market-house shall be used as a publick stand for any kind of carriages except carriages bringing fish to the said market for sale, under the penalty of two dollars, to be applied as aforesaid with costs of suit. [*The words within brackets repealed post 111.*]

99. SECT. VI. The stands for carriages having fish therein for sale, shall be in the middle of High street from the east line of Water street eastwardly to within five feet of the curb stone, at the west end of the fish-market-house, and shall contain twenty-eight feet in breadth, measuring fourteen feet from the centre of the street each way, and that the person or persons who may have charge of such carriages shall arrange them front to front, leaving a passage way of eight feet clear of the forepart of the front wheels of each carriage, and they shall stand opposite to each other, and cross ways with the streets, the tongues or shafts taken off and placed so as not to obstruct the said passage, and if any person or persons bringing fish of any kind in wagons or other carriages to the aforesaid stand, shall not conform to this regulation, he, she, or they being duly convicted thereof, shall pay a fine of three dollars, for the use of the city, with costs of suit.

100. SECT. VII. If any person or persons renting stands in the said market shall occupy their stands longer than the time herein before fixed for market hours, he, she or they, being duly convicted of such offence, before any proper authority, shall pay a fine of two dollars to be applied as aforesaid, with costs of suit. Also, if any person or persons not being renters of stands shall occupy any part of the market, for the purpose of vending fish or any other articles, he, she, or they shall on conviction thereof pay a fine of five dollars, to be appropriated as aforesaid, with costs of suit.

101. SECT. VIII. Any person or persons who are allowed by ordinance to purchase shad and herring to sell again in the said market, shall, provided they be renters of stands in the aforesaid fish-market, be allowed to purchase any other fish to sell in said market, and after the shad and herring season is over, they shall be allowed to sell any kind of fruit and vegetables in the said market house, any ordinance to the contrary notwithstanding.

102. SECT. IX. If any person or persons shall break or remove any of the marble blocks in the pavements, which designate the places for the fish baskets, or break, or remove any of the numbers of the stands, he, she, or they, on conviction of such offence, before

the mayor, or any alderman of the city, shall pay a fine of five dollars, to be applied as aforesaid, with costs of suit.

103. SECT. X. No vessel of any description, except open boats, and such small craft as may bring fish or vegetables to the city for sale, shall be allowed to fasten to, or lie at, any part of the wharf, in front of the said market-house, nor to make fast with any kind of fastening, to the columns thereof across the dock, under a penalty of ten dollars, with costs of suit. Such water craft as are admitted to lie or fasten to the wharf, shall be allowed to remain at the said wharf for twenty four hours free of expense; but for every day they shall remain at the said wharf, after the first twenty four hours, they shall pay the sum of two dollars. [See post 114.]

104. SECT. XI. No fish of any kind shall be gutted and cleansed in the said market-house, nor at the wharf on which the said market-house stands, nor at either of the docks connected with the said wharf, under the penalty of one dollar, to be paid by the person or persons who shall gut or cleanse the said fish, to be applied as aforesaid, with costs of suit.

105. SECT. XII. The city commissioners shall, immediately after the passing of this ordinance, and within the first two weeks of the month of January, in every year hereafter, hire out and lease the stands of the aforesaid market, and also the stands for the fish carriages before mentioned, subject to such preferences and priorities as are by any law of this state prescribed, and at the opening of the said market, shall fix an annual rent for the said stands, which shall be paid in advance, and the stands shall be distributed among the applicants therefor, by lot; and the four lamps at and in the said market-house, shall be regularly lighted, and a watch kept therein, as is by ordinance directed in the other market-houses.

106. SECT. XIII. The stands for the sale of fish which are appointed by an ordinance passed the twenty-ninth day of March, 1798, and by one other ordinance passed the seventeenth day of March 1808, shall be vacated and not occupied as such; after the first day of March next, by any venders of fish or of any kind of produce whatever. And if any person or persons shall attempt to use or occupy them for that purpose, after the aforesaid day, he, she, or they, shall, on conviction before the mayor or any alderman, pay a fine of five dollars, for the use of the city, with costs of suit, provided that nothing herein contained shall be construed to violate any contract or contracts heretofore made with the venders of fish for the use of the stands heretofore appropriated to their use.

SECT. XIV. So much of any ordinance or ordinances heretofore passed, as are inconsistent with or do in any manner interfere with the provisions and regulations in this ordinance contained, are hereby repealed.

Ordinance of February 29, 1810.

Supplement to an ordinance entitled "a supplement to 'an ordinance for building a fish-market-house in High street east of Water street.'"

107. SECT. I. The market hours shall be from the dawn of day till six o'clock in the afternoon from the first day of April to the

fifteenth day of June, and after the fifteenth day of June, from sunrise till four o'clock in the afternoon, to the first of October, and the remainder of the year from sunrise till three o'clock in the afternoon. [See post 113.]

Ordinance of March 28, 1816.

An ordinance to extend the limits of the Second street market, and for other purposes.

108. SECT. I. From and after the passing of this ordinance, it shall be lawful for country people bringing the produce of their farms to market in waggons, carts, sleds, or other carriages, to occupy the east sides of Second street, between Pine and South streets, the west side of Second street between Pine and Spruce streets, and the south side of Pine between Second and Third streets; each of said streets to be occupied only by a single row of said waggons, carts, sleds, or other carriages, to be placed as near the posts or curb stone of the foot pavements as may be, leaving a space between each waggon, cart, sled or other carriage, sufficient for the passage of the citizens, and at all times leaving the intersections of the different streets and alleys, within said bounds, free from obstruction. The front of said waggons, carts, sleds or other carriages, when placed in Second street, to face to the north, and in Pine street to the west; which said market stands are hereby declared to be under the same regulations and rules, as the stands on the west side of Second street, between Pine and South streets.

109. SECT. II. The venders of fresh fish shall hereafter stand on the ground plot between the southern extremity of the market-house and the north line of South street: they shall be placed opposite to each other so as not to obstruct the passage of the streets, and leaving an open space for the passage of the citizens from the market-house southwardly; and for the better carrying the same into effect, the city commissioners are hereby authorized and directed forthwith to mark off suitable stands (within the limits prescribed) for a single row of baskets on each side of the open space hereinbefore mentioned, and on a range as nearly as may be with the inner sides of the southern arch of the market-house, and directly in rear of the said stands for baskets, lay off convenient sites for a single row of fish waggons on each side, the fronts of said wagons to face the foot pavements. And the city commissions are hereby authorized and directed to cause the stands, both for the baskets and the wagons, to be designated by good and sufficient stakes fixed in the earth, and numbered, and to let the same for a reasonable and proper rent, subject to the provisions in the ordinances regulating the fish-markets in High and Second streets, and to all the penalties, forfeitures, and restrictions contained in the aforesaid ordinances.

110. SECT. III. The venders of salt fish shall hereafter stand between the north line of Lombard street and the southern extremity of the northern market-house.

The venders of the American manufactures shall hereafter stand between the south line of Lombard street and the northern extremity of the south market-house, leaving open and unobstructed, at all times, the passage between the two market-houses.

Ordinance of May 16, 1816.

A supplement to an ordinance entitled "a supplement to an ordinance entitled 'an ordinance for building a fish-market-house in High street east of Water street.'"

111. SECT. I. So much of the fifth section of the ordinance to which this is a supplement, as prohibits any person or persons from bringing within the limits of the market-house, during market hours, any wheelbarrow or any other article which shall obstruct the passage ways thereof, under the penalty of two dollars with costs of suit, is hereby repealed. [*See ante* 98, *post* 112.]

112. SECT. II. All and every space within the limits of the market aforesaid not appropriated as stands for the sale of fish, are hereby declared to be open and free passages within the said market, and the same shall be kept open and free from all unnecessary obstructions whatsoever, for the more easy passage of the citizens and others during the hours of market, and if any persons shall keep or place any thing therein unnecessarily to hinder the free passage of the citizens and others, and shall not forthwith remove such obstruction, upon request, every person so offending shall forfeit and pay the sum of two dollars, to be recovered with costs of suit: Provided that the same shall not be construed to permit any persons to enter the said market with wheelbarrows, for the purpose of removing fish from or out of the same during market hours. [*See ante* 98, 111.]

Ordinance of January 9, 1817.

A further supplement to the several ordinances heretofore passed, for regulating the fish-market on the east end of High street.

113. The venders of fish that occupy the stands in the market-house, on the east end of High street, are hereby privileged to vend their fish from the dawn of day till sunset, every day in the week but Sunday, except from the first day of April to the fifteenth day of June in each year, and except also during such times, on market days, as may be necessary for the purpose of washing or sweeping the market house. [*See ante* 107.]

Ordinance of July 16, 1817.

An additional supplement to an ordinance entitled "an ordinance for building a fish-market-house in High street east of Water street."

114. Any water craft or boats, which are exclusively employed in bringing sea fish to the city for sale, shall hereafter be allowed to remain at any part of the wharf adjoining the market-house in High street, east of Water street, for the space of forty-eight hours, free of expense, for the purpose of selling their fish; and for every day they shall remain at the said wharf, after the expiration of the said time, they shall respectively pay the sum of two dollars. [*See ante* 103.]

Ordinance of August 18, 1817.

An ordinance to alter part of an ordinance entitled "A further supplement to the ordinances for the regulation of the markets held in High and Second streets."

115. So much of an ordinance, passed on the twenty-sixth day of December, in the year of our Lord one thousand eight hundred and

eleven, entitled, "A further supplement to the ordinances for the regulation of the Markets held in High and Second streets," as appropriates the south side of Minor street, for the purpose of a stand for Horses and empty Carriages, is hereby repealed, and in lieu thereof, the south side of Carpenter street, shall be appropriated to the said purpose.

Ordinance of November 27, 1817.

An ordinance repealing certain parts of an ordinance entitled "A Supplement to an ordinance for regulating the Market in Second street."

116. From and after the passing of this ordinance, so much of the second section of an ordinance entitled "a supplement to an ordinance for regulating the market in Second street," passed the fourteenth day of April, one thousand eight hundred and fourteen, as makes the south side of Pine street, from twenty feet west of Front street to Second street, stands for horses, carts, and carriages, is hereby repealed.

Ordinance of December 11, 1817.

An ordinance repealing in part "A supplement to an ordinance, entitled, "An ordinance for building a fish market-house in High street."

117. *Be it ordained &c.* That from and after the first day of January next, so much of a supplement to an ordinance, entitled, "An ordinance for building a fish market-house in High street, east of Water street," as respects the appointment of Clerk to said market, be repealed, and that the duties of said Clerk be thereafter performed by the Clerks of High street market.

Ordinance of September 16, 1819.

A further supplement to the ordinance, entitled "An ordinance for the regulation of the market held in High street."

118. **SECT. I.** The city commissioners are hereby authorised and directed to mark off into convenient stands for fish wagons, the space of sixteen feet between the west end of the market and the east line of Delaware Sixth street, and the same is appropriated as stands for fish wagons.

119. **SECT. II.** It shall be the duty of the city commissioners to let the said stands for a reasonable and proper rent, subject to the provisions in the ordinances regulating the fish-markets in High and Second streets, and to all the penalties, forfeitures, recoveries and restrictions prescribed for the like cases in the aforesaid ordinances.

120. **SECT. III.** The clerks of the markets are hereby authorised and directed to dispose of all illegal weights that may have been or may hereafter be seized and forfeited, in such manner as they think best, and pay the proceeds thereof into the hands of the city treasurer; and all illegal tin measures that may have been or may hereafter be seized and forfeited, they are hereby directed to send to the alms-house in the city of Philadelphia for the use of the poor,

121. **SECT. IV.** The clerks of the markets are hereby authorised to rent the unappropriated fish stands, to any transient person or persons, bringing fish for sale to this city, at the rate of two dollars per day.

122. **SECT. V.** The occupiers of stalls in the High street market, between Fourth and Sixth streets, are hereby authorised to remove the boxes under their stalls, and erect against the bricks thereof, boxes for the safe keeping of their rails, hooks, scales, weights, &c. *Provided* they do not extend beyond sixteen inches from said piers, on the east and west side. nor beyond the brick walk on the north and south sides thereof.

SECT. VI. So much of any ordinance now in force, as is inconsistent with the provisions herein contained, is hereby repealed.

Ordinance of September 16, 1819.

A further Supplement to the ordinances for the regulation of the Market held in High street.

123. So much of the ordinance passed May 22, 1801, entitled, "A supplement to the ordinances for the regulation of the markets in High and Second streets," as appropriates the west side of Third street, from High to Chestnut street, as stands for horses and carriages, is hereby repealed. [*See ante* 38.]

Ordinance of December 16, 1819.

An ordinance establishing the compensation of certain officers, and for other purposes.

124. **SECT. I.** There shall be allowed to the officers hereinafter mentioned, the following annual compensation, to commence from the first day of January next, to be paid quarterly by orders drawn in the manner prescribed by law, on the treasurer of this corporation.

To the clerks of the High street market, each five hundred dollars.

To the clerks of the Second street market, four hundred dollars.
[The remainder of this section will be found under the proper titles.]

Ordinance of March 17, 1820.

An ordinance authorising the construction of stalls in High street market, for the use of victuallers, &c. &c.

125. **SECT. 1.** The clerk of the market shall be authorised to permit the victuallers who petitioned councils for permission to construct stalls in the open spaces in the markets from Fourth to Sixth streets, to place stalls in those spaces, conformable to a model deposited in the office of the mayor of this city, not exceeding eight in number; four of which shall be placed, during the times of holding the markets, in the spaces vacant in the centre spaces of each market-house between Fourth and Sixth streets; provided that the expense of constructing such stalls, shall be borne by the applicants, and that they shall pay an annual rent for such stalls, and be subject to the same regulations as the fixed stalls, occupied by the victuallers in those market-houses; and that in case of default in erecting the said stalls for thirty days after the passage of this ordinance, or in case of default in complying with the provisions of this or any other ordinance relating to the market in High street, for the space of thirty days, the rights of the petitioners making default shall

cease; and the commissioners of the city shall designate the stall each person shall have.

126. SECT. II. The renters of such stalls so to be erected, shall be entitled to the occupancy of the same for the term of three years—provided that they pay the rents at the periods prescribed, like other victuallers; and that they keep in neat order and cleanliness, and good repair, the said stalls.

Ordinance of April 13, 1820.

A further supplement to the ordinance for the regulation of the markets in High and Second streets.

127. SECT. I. From and after the passing of this ordinance, the west side of Second and Third streets, from the north line of Mulberry street, to the south line of Sassafras street—the west side of Fourth street, from the north line of Mulberry to the south line of Vine street leaving Cherry and Sassafras streets open; and the east side of Fifth street, from Market to Sassafras street, leaving Mulberry and Cherry streets open; also a space of thirty feet in front of the gate of entrance to the Episcopal burying ground, shall be stands for horses and carriages, to be placed in a single row as near as possible to the posts and curb stones, in which carriages, the inhabitants of the country may expose for sale the produce of their farms.

128. SECT. II. The penalties in the ordinance to which this is a further supplement, so far as they apply to the provisions of the present ordinance, shall continue in full force and virtue.

129. SECT. III. So much of an ordinance passed the 26th of December, 1811, as appropriates the east side of Fifth street, opposite the Episcopal burying ground, a stand for horses and empty carriages, is hereby repealed.

Ordinance of March 29, 1821.

An ordinance for extending the market-house in High street, from Sixth to Eighth street.

130. SECT. I. The city commissioners are hereby authorized and required, to cause and procure, as soon as possible after the passing of this ordinance, a market-house to be built and erected in High street, along the middle thereof, between Delaware Sixth and Eighth streets, beginning thirty feet west of the west line of said Sixth street, and extending westward to within thirty feet of the east line of Seventh street, and between said Delaware Seventh and Eighth streets beginning thirty feet west of the west line of said Seventh street, and extending westward to within thirty feet of the east line of said Eighth street. And the piers or columns of the said market-houses shall not be less than eight feet high; and in no instance regard being had to the necessary levels, more than ten feet high; and the width or breadth of the said market-houses, shall be the same with that of the market-houses already erected in High street; and the said market-houses shall be finished in the same manner, and corresponding with the market-houses erected between Fourth and Sixth streets.

T

SECT. II. [Temporary.]

SECT. III. [See Funded Debt.]

Ordinance of March 29, 1821.

An ordinance authorizing the City Commissioners to rent certain stands under the eaves, on the north and south sides of High street market, between Second and Third streets.

131. SECT. I. The space under the south eaves of High street market between Second and Third streets, shall be, and is hereby appropriated as stands for the inhabitants of the country, bringing to market meat, butter, eggs, or other provisions, the produce of their farms. And the space under the north eaves of so much of said market is hereby appropriated as stands for persons bringing to market milk, butter, and vegetables, the produce of their farms or gardens; but no person or persons following the occupation of victualer or butcher, shall be permitted to occupy the aforesaid stands.

132. SECT. II. From and after the passing of this act, the City Commissioners are hereby empowered and directed, to let, for the best and highest price they can obtain, the space under the south eaves of said market, as stands for the inhabitants of the country, bringing to market, meat, butter, eggs, or other provisions, the produce of their farms. And the space under the north eaves of said market, as stands for persons bringing to market, milk, butter, and vegetables, the produce of their farms or gardens; to be laid off in such number of stands, as, in the opinion of the commissioners, will best comport with the interest of the city, under and subject to the rules and regulations contained in the several ordinances having relation to the good order and government of the High street markets.

133. SECT. III. The rent or revenue arising from said stands, shall be made payable and renewable, in manner and time, as are the rents arising from the other stands or stalls of said market, and shall be paid into the city treasury, by the commissioners in like manner.

SECT. IV. So much of any ordinance or ordinances as is hereby altered or supplied, is hereby repealed.

Ordinance of May 3, 1821.

A supplement to an ordinance, entitled "An ordinance for extending the market-house in High street, from Sixth to Eighth street.

134. The city commissioners hereby are authorized and enjoined to cause to be built, at each end of each of the market-houses authorized to be erected in High street, between Sixth and Eighth streets, by the ordinance to which this is a supplement, a plain and neat portico, of the Doric order, in conformity to a plan exhibited to Councils; and they are further authorized and required, to have the said markets so constructed, by narrowing the passages between, and shortening the shambles, that each of said markets shall contain four stalls more than are now contained in either of the markets be-

between Fourth and Sixth streets : any thing in the ordinance to which this is a supplement to the contrary notwithstanding.

Ordinance of June 28, 1821.

An Ordinance authorizing the sale of provisions in the market-house in Broad street, on Sunday mornings.

135. SECT. 1. A market may be held in the market-house in Broad street, for the sale of the necessaries of life, on the first day of every week, commonly called Sunday, between the 25d day of June instant, and the 30th day of September next ; and the 1st day of June, and the 30th day of September, in each succeeding year, the said market to begin at three o'clock, and end at seven o'clock, in the morning.

136. SECT. II. If any person shall bring any article for sale to the said market on Sunday, before two o'clock in the morning, or shall on that day remain with the same, within the limits of the said market, after eight o'clock in the morning, every person, so offending, shall, for every such offence, forfeit and pay the sum of four dollars, to be recovered with costs, by the clerk, or any other person, before the mayor or any alderman of the city, as debts under forty shillings are by law recoverable, one half thereof to be paid into the city treasury, and the other to the person suing for the same.

137. SECT. III. The provisions of the several ordinances for the regulation of the said Broad street market shall, so far as the same are not inconsistent with this ordinance, be enforced, for the regulation of the said market so to be held on Sunday.

Ordinance of July 9, 1821.

138. SECT. VII. The clerks of the markets, held in High street, Second street, and Broad street, respectively, are hereby authorized and required to weigh, measure, try, and examine, all butter, lard, fruit, and other articles of provision, offered for sale in lumps, tubs, or other vessels, or in parcels, as and for a certain weight or measure, in their respective markets, and in case the same are less than such weight or measure, then to seize the butter, lard, or other articles, so found to be deficient, one third part thereof to the use of the clerk making the seizure, and the other two thirds to the use of the poor of the city ; *Provided*, that if any person shall feel him or herself aggrieved by such seizure, he or she may appeal to the mayor of the city, who shall hear, try, and determine the same.

[For remaining sections, See Carriages and Horses, City Commissioners, Firing of Guns, &c. Goats, Hand-bills, Kites.]

Ordinance of November 22, 1821.

A further supplement to the ordinances heretofore passed for regulating the market held in High street.

139. SECT. I. The city commissioners shall forthwith advertise daily, in four or more of the city newspapers until the 20th day of December, that the stalls and stands in the market-houses lately

erected in High street, between Sixth and Eighth streets, and under the eaves thereof, will be rented on that day; on which day, the said commissioners are hereby authorized and required to rent the said stalls and stands, or so many of them as there may be suitable application for, from the said day until the first day of January, 1823. Those stalls and stands which are in the western moiety of the market-house, between Seventh and Eighth streets, and under the eaves of said moiety, to country persons, bringing or sending the produce of their farms to market; and the inside stalls in the eastern moiety of the said market-house, together with the stands under the eaves of said eastern moiety, to farmers from New Jersey, bringing or sending to market the produce of their farms; and the stalls which are in the western moiety of the market-house, between Sixth and Seventh streets, and the stands under the eaves of said western moiety, and also the stands under the eaves of the eastern moiety of the said market-house, to country persons, bringing or sending to market the produce of their farms, and to none others; and the inside stalls, in the eastern moiety of said market-house, to butchers or victuallers. [*See Post, 152.*]

140. SECT. II. In order to prevent any unfair preference among the applicants for the said stalls and stands, it shall be the duty of the commissioners to set a fair minimum price upon each of them, in the eastern moieties of the said market-houses, or under the eaves of said moieties, and to rent the same to the persons aforesaid, who shall bid the highest price therefor, being not less than the price to be set; and the distribution of the other stalls and stands in the said market-houses, shall be made and determined by lot among the respective applicants, and not otherwise. And if any of the said stalls or stands shall, from any cause, not be rented on the day before appointed for the renting thereof, the commissioners shall rent the same at any time thereafter, at a price not less than before mentioned; and it shall be their duty, in like manner to rent the said stalls and stand, on the first day of January, 1823, and every year thereafter. [*So much of this Section as relates to letting the stalls in the eastern moieties of market-houses between Sixth and Eighth streets, repealed; post 158.*]

141. SECT. III. All and every the provisions, regulations, penalties and forfeitures, made or contained in any ordinance or ordinances relating to the market in High street, with the remedies for enforcing the said penalties and forfeitures, and every of them, are hereby extended to the market houses, and the limits of the market wherever the same are or may be applicable.

Ordinance of February 6, 1822.

An Ordinance for re-building the Jersey market-house in High between First and Second streets, and for other purposes.

142. SECT. I. The City Commissioners are hereby authorized and required to re-build, or cause to be re-built, as soon as convenient after the passing of this ordinance, the Jersey market-house,

High street, between Front and Second streets; and previously thereto to cause the said High street to be regulated so as to make its ascent from the river more easy, and also to cause the said street between the west-side of Second and the east side of Water street, to be re-paved :—said market-house to commence within fifteen feet of the west line of said Front street, to continue along the middle of said High street, to within ten feet of the east line of said Second street.—The columns of said market-house shall not be less than eight feet high, and in no instance, regard being had to the necessary levels, more than ten feet high; the width or breadth of said market-house shall be the same as those already erected in High street, and the said market-house shall be finished in the same manner, and corresponding with the market-houses erected in said High street, between Sixth and Eighth streets, except the east end, which shall be finished in conformity to a plan now exhibited to Councils, to be certified by the Clerks of Councils, and deposited in the Commissioners' office. [See post 151.]

SECT. II. [Temporary.]

SECT. III. IV. [Authorized a loan.]

Ordinance of March 23, 1822.

A further supplement to "An Ordinance for the regulation of the market held in High street," and for other purposes.

143. SECT. I. From and after the passing of this Ordinance, no stall or stand, in the western moieties of either of the market-houses in High street, west of Fourth street, shall be let to any person exercising the trade or occupation of butcher or victualler, for the purpose of exposing for sale any beef. And if any person as aforesaid occupying a stall or stand as aforesaid, shall vend or expose for sale, in any or either of the western moieties aforesaid, any beef he she, or they, shall forthwith forfeit all right to the stall or stand so occupied and shall also forfeit and pay the sum of five dollars, to be recovered with costs, before the mayor, recorder, or any alderman, one half thereof for the use of the person suing for the same, and the other half for the use of the city.

144. SECT. II. The stands under the eaves of the market-houses, between Fourth and Seventh streets, and also the stands under the eaves of the western moiety of the market-house, between Seventh and Eighth streets, are hereby appropriated as stands for the sale of roots, herbs, and vegetables.

145. SECT. III. [Prohibited under letting or selling stalls; *Repealed Post 158.*]

146. SECT. IV. If any person or persons shall use or occupy any stand or space within the limits of the markets in this city, other than that which is or may be appropriated for the use of such persons, he, she, or they, so offending, shall forfeit and pay, for every such offence, the sum of five dollars, to be recovered with costs, before the mayor, recorder, or any alderman, one half thereof for the use of the person suing for the same, and the other half for the use of the city.

147. SECT. V. The limits of the market in High street are hereby extended from the west line of Eighth street, along said High street, to the Centre square, for the purpose of accommodating persons bringing or sending the produce of their farms for sale in their waggons carts, sleighs, sleds, or other carriages, and for the use of no other persons. The waggons, carts, sleighs, sleds, or other carriages as aforesaid, shall be placed on the north side of said High street, west of Eighth street, from the first day of November to the first day of May; and on the south side of said street, from the first day of May, to the first day of November, in each and every year, in single rows, outside of, and as near the curb stones as may be; leaving six feet unoccupied on each side of each intersecting street, and also leaving a vacant space of twelve feet for public use between every three waggons, carts, sleighs sleds or other carriages as the case may be. Any person or persons, not complying or refusing to comply with the several provisions of this section, shall forfeit and pay the sum of five dollars, to be recovered with costs, before the mayor, recorder, or any alderman of the city, one half thereof for the use of the person suing for the same, and the other half for the use of city.

148. SECT. VI. No butcher, victualler or shinner, or any other person whatsoever, save and except country persons aforesaid shall use or occupy any of the said stands. And if any person whatsoever shall place or cause to be placed, on the footways within the limits of the said High street market, any block, bench, shamble, or other device or thing, for the cutting up of any animal carcass, or any part thereof, or for the purpose of exhibiting the same, or any poultry, game, butter or other substance or thing as aforesaid, upon any block, bench, shamble, or other device, so placed as aforesaid, the person so offending shall, for every such offence, forfeit said block-bench, shamble, or other device, together with the carcass or part thereof, poultry, game, butter, or other substance or thing as aforesaid, placed or exhibited thereon; and the clerk or clerks of the High street market shall forthwith cause the same to be removed from the said footways, and such person, so offending, shall also forfeit and pay a penalty of five dollars, to be recovered and disposed of in like manner as in the foregoing section.

149. SECT. VII. Nothing contained in the foregoing sections of this ordinance shall be so construed as to prevent waggons or teams usually employed in the transportation of produce to the city, for sale by wholesale, or waggons or teams as aforesaid, when loading for the country, from occupying the aforesaid stands as heretofore, any person or persons, who shall prevent such waggons or teams as aforesaid from occupying such stands as aforesaid, shall for every such offence, forfeit and pay the sum of five dollars, to be recovered and disposed of in like manner as in the foregoing sections.

150. SECT. VIII. The south side of Zane street, from the west line of Seventh street to the east line of Eighth street, and the south side of Filbert street, from the west line of Eighth street to the east line of Ninth street, shall be stands for the horses and empty carri-

ages of those persons who are provided with stalls or stands for the sale of their produce, which horses and carriages shall be placed in single row, as near as may be to the curb stones.

SECT. IX. So much of any ordinance as is inconsistent with the provisions herein contained, is hereby repealed.

Ordinance of April 15, 1822.

A supplement to an ordinance entitled, "an ordinance for re-building the Jersey market-house, between Front and Second streets, passed the 6th day of February, 1822.

151. The ordinance to which this is a supplement shall not be so construed as to prohibit the city commissioners from erecting the stalls in the Jersey market-house, in a manner more convenient for the accommodation of Jersey produce, by fixing the rails permanently, and by dispensing with the boxes under the stalls excepting opposite to each pier, for scales and weights. [*Ante* 142.]

Ordinance of September 26, 1822.

A further supplement to "An ordinance, for the regulation of the market held in High street."

152. **SECT. I.** The city commissioners shall, from and after the first day of January next, rent the stall and eave stands, in the Jersey market-house, in High street, between Front and Second streets, at a reasonable yearly rent, to farmers of New-Jersey, for the purpose of exposing the produce of their farms or gardens for sale, and to none others, any existing ordinance to the contrary notwithstanding.

153. **SECT. II.** Any person renting a stall or stand in the said market-house, or in the eastern moiety of the market-house between Seventh and Eighth streets, may when it is not convenient to attend the market personally or to remain therein, employ any other person to sell for him or her, provided such person, so employed, shall not follow the occupation of a huckster, or of buying and selling produce at second hand. And if such person shall be detected and convicted of selling, while so employed, any other produce than such as is authorized as aforesaid, he or she, so offending, shall for every such offence, forfeit and pay a fine of five dollars, to be recovered with costs before the mayor, recorder or any alderman of the city, one half for the use of the person who shall sue, for the same, and the other half for the use of the city. And should it be discovered that the renter of any stall or stand, as aforesaid, had previous knowledge of such person employed as aforesaid, being a huckster or seller of provisions at second hand, he or she, shall forthwith forfeit all right to the stall or stand aforesaid.

154. **SECT. III.** The space from the west line of Front street, to the east line of Second street, on the south side of High street to the breadth of five feet north of the curb stones, shall be a row of stands to be occupied during the months of July, August, and September, free of rent, for the use of such farmers of New Jersey as are not stall

or stand renters, and for the use of none others, to expose the produce of their farms or gardens for sale;—spaces to be left, at the distance of every thirty feet from each other, sufficient for persons to pass and repass, and the breadth of the street, leading into Lætitia Court, to be left open. And any person following the occupation of a huckster, or of selling provisions at second hand, using or occupying any or either of the said stands, for the purpose of exposing any articles of provisions for sale, shall, for every such offence, forfeit and pay a fine of five dollars, to be recovered with costs, and disposed of in like manner as is herein before provided

155. SECT. IV. Sufficient spaces under the portico at the east end of the said market-house, adjoining the two easternmost brick piers, shall be appropriated as two stands for the sale of milk, and the space between the east line of Second street and the west end of the said market house, including the sides of the portico, shall be appropriated as stands for the sale of salted fish; and the space in front of the court house, on the west side of Second street, shall be appropriated as stands for the sale of salted fish, and the various kinds of bread and cakes, agreeably to a plan designating stands at the several intersections of the streets, and ends of the market houses in High street, now exhibited to Councils, and to be certified by the Clerks of the Councils, and deposited in the City Commissioners' office.

156. SECT. V. All the vacant spaces at the ends of the market-houses, and between the intersections of the streets, from Second to Eighth street, shall be appropriated as stands for the sale of American manufactures, and for hommony, domestic coffee, and other vegetable provisions, and for milk and the various kinds of bread and cakes. And it shall be the duty of the City Commissioners forthwith to lay off the aforesaid stands, agreeably to the plan aforesaid, and to rent the same at such rate as may be deemed reasonable, and in like manner shall all the rentable stalls and stands, in any and all of the markets of this city, be disposed of, from and after the first day of January next.

157. SECT. VI. The clerks of the High street market shall attend to their duties in the said market, not only on market days but on all other days, Sundays excepted.

158. SECT. VII. So much of an ordinance passed the twenty-ninth day of March, 1798, as authorizes the sale of American manufactures on the north side of High street, from Front to Third street, and the sale of Earthen ware on the south side of said High street, between Front and Second streets, and so much of an ordinance passed the twenty-second day of November, 1821, as requires the City Commissioners to rent the stalls and stands in the eastern moieties of the market houses in High street, between Sixth and Eighth streets, at public auction, and so much of an ordinance passed the twenty-eighth day of March, 1822, as prohibits the letting, under-renting, assigning or selling, the stalls and stands, in market-houses of this city, are hereby repealed.

ORDINANCE.

His salary, 1.

Ordinance of April 18, 1815.

A Supplement to an Ordinance, entitled "An Ordinance establishing the compensation of certain officers," passed March 9, 1797.

SECT. II. The compensation for the services of messenger of the select and common councils is hereby increased from two hundred dollars to two hundred and twenty-five dollars per annum, to be allowed from and after the first day of January, one thousand eight hundred and fifteen, payable quarterly.

Nuisances.

ACTS OF ASSEMBLY.

Penalty on discharging nauseous liquors into wells, &c.	1	Penalty on spouts improperly placed,	4
Or into the streets, &c.	2	Regulations respecting signs, sign-posts, &c.	5, 6
On keeping offensive matter, On leaving carcases or filth unburied any where within the city,	3	The law to be given in evidence as justification,	7
Regulations respecting encroachments on streets,	4	Appropriation of fines,	8
		No length of time to bar removal of encroachments on streets,	9

ORDINANCES.

Footways to be kept clear from wood, &c.	1	Or to project more than six inches from houses,	8
Height of awning rails,	2	No boxes, trunks, &c. to be placed on the streets or pavements,	5, 9
No troughs, &c. for watering horses to be placed in streets,	3	No horses to be shod in streets,	6
Proviso in favour of carters, &c.	3	Fines how to be recovered and appropriated,	7, 8, 9
No goods to be exposed for sale on or over brick pavements,	4		

ACTS OF ASSEMBLY.

Act of February 18, 1769.

An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, and for regulating, making and amending the water-courses and common sewers, within the inhabited and settled parts of the city of Philadelphia; for raising of money to defray the expenses thereof; and for other purposes therein mentioned.—1 Smith, 284.

[For the other sections of this act which are in force see Carriages and Horses, City Commissioners, Culverts and Common Sewers, Streets and Pavements.]

1. SECT. XL. Whereas great complaint is made by divers inhabitants, of the city and suburbs of Philadelphia, that distillers, soap-

boilers and others, frequently discharge large quantities of foul and stinking liquors, the returns from their stills and boiling vessels, on the adjacent grounds, or into the kennels, of the public streets, lanes, or alleys, to the great annoyance of the inhabitants, or by discharging the same into wells, vaults, or sinks, dug for that purpose, have injured, if not totally ruined, their neighbours' waters; and that there are a variety of other nuisances in and near the said city, to the great annoyance and damage of the inhabitants. To prevent which inconveniences and damages, *Be it enacted*, That if any distiller, soap-boiler, or tallow-chandler, within the said city, district of Southwark, or built parts of the Northern Liberties, shall, after the publication hereof, by themselves, their agents, journey-men or servants, presume to discharge out of or from any still-house or work-shop, foul and nauseous liquor of any kind whatsoever, into or upon any adjacent ground, or into any well, vault or sink, within the said city, district or township, every person so offending, and being thereof legally convicted in the court of Quarter Sessions of the peace held for the said city or county respectively, shall, for every such offence, forfeit and pay the sum of twenty pounds.

2. SECT. XLII. If any distiller, soap-boiler or tallow-chandler, within the said city, district or township, shall, as aforesaid, discharge any foul or nauseous liquor from any still-house or work-shop, so that such liquor shall pass into or along any of the streets, lanes and alleys of the said city, district or township; or if any soap-boiler or tallow-chandler shall keep, collect or use, or cause to be kept, collected or used, in any of the built parts of the city, district or township aforesaid, any stale, putrid or stinking fat, grease or other matter; or if any butcher shall keep, at or near his slaughter-house, any garbage or filth whatsoever, so as to annoy or offend any neighbour, or any person whatsoever, he, she or they so offending, and being thereof convicted, before any justice of the peace of the said city and county respectively, shall forfeit and pay, for every such offence, the sum of thirty-five shillings.

3. SECT. XLIII. If any person or persons shall, after the publication hereof presume to cast, carry, draw out, or lay any dead horse or other dead carcase of cattle, sheep, hog or dog, or any excrement or filth from vaults, privies or necessary-houses, and shall leave such carcase, carrion or filth, without burying the same a sufficient depth in the ground, on any part of the commons of the said city, or on or near any of the streets, lanes, alleys or highways within the said city, district or township, adjoining the same, every person or persons so offending, and being convicted thereof before any justice of the peace of the city or county of Philadelphia respectively, shall forfeit and pay, for every such offence, the sum of thirty shillings.

4. SECT. XLV. And whereas, by late extraordinary encroachments of cellar-doors, steps, and porches, made in the streets of

the said city, of jut-windows, bulks, and other incumbrances, the said streets are greatly obstructed; and by a number of spouts or gutters, set at the eaves of pent-houses and other places in the said streets, large collections of water are discharged in rainy seasons, on persons passing near the same: *Be it therefore further enacted*, That if any person or persons shall hereafter make and set up, or shall cause to be made and set up, in any street of fifty feet wide or upwards, within the said city, any porch, cellar door, or step, which shall extend beyond the distance of four feet three inches into such street, or a proportionate distance into any narrower street, where the same shall be made or set up; and if any person or persons shall hereafter make and set up, or cause to be made and set up, any bulk, jut-window, or incumbrance whatsoever, whereby the passage of any street shall be obstructed, or shall so place or cause to be placed, any spout or gutter, whereby the passage of any street shall be incommoded, every person offending, and being legally convicted thereof before any justice of the peace of the said city, shall, for every such offence, forfeit and pay the sum of thirty shillings, and shall forthwith remove, or cause the said nuisance to be removed.

SECT. XLVI. [Temporary and obsolete.]

5. SECT. XLVI. If any person or persons shall hereafter set up or place any sign, sign-post, board, pole or other device or thing whatsoever, (except such persons as shall keep a public inn for the entertainment of travellers, with their horses) to denote or show his, her or their place of residence, or his, her or their occupation or business, or the merchandise or things, which he, she or they hath or have to dispose of in any of the streets, lanes or alleys of the city of Philadelphia, or which shall extend from his, her or their dwelling into the said streets, lanes or alleys, or if any person or persons (except as before is excepted) to whom any sign, sign-post, board, pole or other device or thing aforesaid, already set up and placed as aforesaid, shall permit or suffer the same to remain, set up and placed in any of the said streets, lanes or alleys, or to extend into the same, after the first day of January next ensuing the publication of this act, every such person or persons, being thereof legally convicted before any justice of the peace of the said city, shall forfeit and pay the sum of five pounds, to be paid to the said commissioners, and by them to be applied to the paving and cleansing the said streets; and the said commissioners are hereby authorized, empowered and required, to take down and remove all and every such sign, sign-post, board, pole, and other device and thing aforesaid (except as before is excepted) which they shall find so set up and placed in the said streets, lanes, or alleys, or extending as aforesaid into the same, after the said first day of January next ensuing. And the said commissioners are hereby further authorized and empowered to remove, or cause to be removed, all manner of obstructions to the passage

through the said streets, which they shall find remaining in the same an unnecessary length of time.

6. SECT. XLVIII. *Provided always nevertheless*, That nothing herein contained shall be deemed, taken or construed, to prevent any person or persons to set up or place any such sign, sign-board, pole, or other device or thing aforesaid, against the walls of their several dwellings, so that the same shall not project or extend into the said streets, lanes, or alleys, more than six inches.

7. SECT. XLIX. *Provided also*, That if any person or persons be sued or prosecuted for any thing done in pursuance of this act, he, she, or they may plead the general issue, and give this act, and the special matter in evidence, for their justification; and if the plaintiff or prosecutor become non-suit, or suffer a discontinuance, or if a verdict pass against him, the defendant shall have treble costs, to be recovered as in cases where costs by law are given to defendants.

8. SECT. L. The one half of all fines and forfeitures arising by this act in the city of Philadelphia, not herein before appropriated, shall be paid to the informer; or the person or persons that shall sue for the same; [and the other half thereof shall be paid to the treasurer, appointed by the commissioners for cleansing and paving the streets of the said city, to be applied towards paving and cleansing the streets of the said city.] And that one half of all fines, penalties, and forfeitures aforesaid, so as aforesaid incurred for any offences committed out of the said city, shall be paid to the supervisors of the highways of the respective district or township where the offence was committed, and applied to the repair of the highways of such district or township; and the other half to the person or persons who shall give information of the offence. [*The office of street commissioners abolished; see Corporation, A. A. 23.*]

Act of April 15, 1782.—2 Smith, 48.

9. SECT. XI. And whereas in time past, from inattention and otherwise, divers buildings and fences have been erected within the said city, in such manner as to stand partly on the public streets and alleys thereof, and these nuisances, from tenderness to the possessors or owners of the adjoining freeholds, have been suffered to continue for many years, with design, that when such buildings should decay, the public ways which were so obstructed might be properly opened and extended: *Be it therefore enacted by the authority aforesaid*, That no length of possession whatever of any part of any public street or way within the said city, so encroached upon, shall be available to bar or prevent the correction and removal of any nuisance by buildings, enclosure, or otherwise, which have been or hereafter may be erected or made within or upon any street, lane, or alley within the said city. [*For the other sections of this act, see Surveyors and Regulators, and Vaults and Grates.*]

ORDINANCES.

Ordinance of January 18, 1790.

An ordinance for the suppression of nuisances, and enforcing useful regulations within the city of Philadelphia.

WHEREAS it is proper that regulations should be made, suitable to prevent obstructions and nuisances being placed and kept upon the brick pavements and foot-ways, and other parts of the public streets and alleys in this city:

1. *Be it therefore ordained and enacted, &c.* That, from and after the first day of March next, no person or persons shall saw or cut, or cause to be sawed or cut, any wood, nor pile or place, or cause to be piled or placed, any wood, bricks, stones, boards, scantling, plank, or other lumber, upon any brick pavement or foot-way in any public street, lane or alley, within the city of Philadelphia. And every person who shall offend herein shall forfeit and pay for every such offence the sum of one dollar.

2. From and after the said first day of March next, every rail which shall be or remain placed or fixed above the posts, near the gutter, in any public street or alley in this city, for the purpose of fastening thereto any awning, shall be at least six feet four inches from the lower side thereof to the stone pavement under it. And every person who shall use any such rail so placed or fixed, which shall not be the height aforesaid above the stone pavement shall forfeit for every such offence the sum of one dollar. *And it is hereby further ordained and enacted,* That all and every rail or rails which are or shall be placed or fixed, for the purpose of fastening awnings thereto, and shall not be of the height aforesaid above the stone pavement, are hereby declared to be common nuisances; and it shall and may be lawful for the city commissioners, and they are hereby enjoined and required to take down and remove the same.

3. And in order to prevent such accidents as may arise from the practice of inn-keepers, livery stable-keepers, and the owners of private stables, watering their horses and cattle at the pumps in the streets of this city, *Be it ordained and enacted,* That no person whatever shall set or place any trough, or other vessel in any public street or alley in this city, for the purpose of watering horses or cattle there, under the penalty of one dollar for every offence: *Provided,* That this regulation shall not extend or be construed to prevent carters, wagoners or draymen carrying water to their horses, whilst in service, in the streets of this city. And all troughs or other vessels already placed in the streets for the purposes of watering horses or cattle, which shall not be removed by the proprietors of them within one month from the publication of this ordinance, are hereby declared to be public nuisances, and may be removed as such; and the owners of them shall be liable to the penalty of one half dollar for every day such trough or vessel shall be suffered to remain in the streets, after notice has

been given to the owner thereof, by the city commissioners, to remove the same.

4. If any person or persons whatever, after the day aforesaid shall set or place any goods, wares or merchandise, by way of exposing them to sale, on or over the brick or stone pavements, in any public street or alley in this city, every such person shall pay a fine of ten shillings. *Provided*, That this clause shall not interfere with any regulation in the ordinance concerning the markets, nor extend to goods sold at public auction.

5. Any person who shall place or pile any empty boxes, barrels, hogsheads or other conveniency capable of containing goods, or merchandises, or that may have contained goods or merchandises, in any part of the public streets or alleys of this city, except as is before excepted, and shall not remove them from the same within three hours after they shall be so first placed or piled there, every such person shall pay a fine of ten shillings.

6. If any blacksmith, or other person, shall cause any horse, mare or gelding to stand in any of the streets, lanes, or alleys, within the built parts of this city, whilst he is shoeing, or preparing to shoe such horse, mare, or gelding, every such blacksmith, or other person, shall pay a fine of five shillings for each offence.

7. All and every the fine and fines imposed by this ordinance shall be recoverable, with costs of suit, by any person who shall sue for the same, before the mayor, recorder, or any alderman of the said city, and shall go, one moiety to the person or persons who shall sue for the same, and the other moiety for the use of the city.

Ordinance of June 18, 1790.

A supplement to an ordinance, entitled "An ordinance for the suppression of nuisances, &c."

WHEREAS doubts have arisen, whether by the ordinance passed the eighteenth day of January, one thousand seven hundred and ninety, entitled "An ordinance for the suppression of nuisances, and enforcing useful regulations within the city of Philadelphia," the inhabitants were prohibited from placing goods in the porches and over the cellar doors of their houses, and from placing boxes or casks of any kind containing goods on or over the stone or brick pavements, which were not exposed there for sale; Therefore, in order to remove the said doubts, and to provide effectually for the cases aforesaid,

8. *It is hereby ordained and enacted*, That if any person or persons whatever, from and after the first day of July next, shall place or cause to be placed, any goods, wares or merchandises, in the porch or over the cellar door, or suspend them from the pent-house of any house or store in any of the public streets, lanes, or alleys in this city for the purpose of exposing them for sale or otherwise, so that the same shall extend or project from the wall of said house or store more than six inches towards the street, the person or persons so offending shall forfeit and pay the sum of two

dollars for every such offence, to be recovered, with costs, before the mayor, or any alderman in the said city, in the same manner as debts under forty shillings are recoverable by law, one moiety thereof to go to the person who shall sue for the same, and the other moiety to the use of the city.

9. If any person or persons whatever shall place, or cause to be placed, any trunk, bale, box, crate, cask, or any other package, article or thing whatsoever, containing goods, wares or merchandise, or any goods, wares or merchandise, on or over any part of the brick or stone pavement, or on the foot or cart-way of any street, lane, or alley in this city, whether the same shall be exposed for sale there, or otherwise, and shall suffer the same so to remain more than four hours after it is first placed there, the person or persons so offending shall forfeit and pay the sum of two dollars for every such offence, to be recovered in the manner and applied to the uses aforesaid.

NOTE.—The ordinance inflicting a penalty on persons placing goods on their porches or cellar doors projecting more than six inches, is bad.—*Carlisle v. Baker*. 1 Yeates, 471.

A merchant may have his goods placed in the street for the purpose of removing them to his store in a reasonable time; but he has no right to keep them in the street for the purpose of selling them there.—*Commonwealth v. Passmore*. 1 Sergeant and Rawle, 217.

There is no difference between the case of a public auctioneer and that of a private merchant. An auctioneer has not a right to place goods intended for sale in the public streets, because there is no necessity in the case.—*Ibid*.

The proviso in the ordinance of January 18, 1790, which exempts auctioneers from the penalties imposed on persons, who place goods in the streets, does not render them less liable to the penalties of a nuisance at common law.—*Ibid*.

Whether the corporation has a right to license a nuisance by virtue of the general powers contained in the act of incorporation, *dubitat*.—*Ibid*.

Oysters.

ACT OF ASSEMBLY.

Penalty on offering oysters for sale at certain seasons,	1	Penalty on concealing oysters with clams,	2
		Appeal,	3

ORDINANCE.

Oysters to be sold by tale, 1

ACT OF ASSEMBLY.

Act of March 9, 1771.

An Act, to prevent the destruction of rock fish and oysters.—1 Smith, 313.

1. SECT. I. Whereas the catching small rock-fish, and the taking oysters at improper times, tend to deprive the markets in this province of such supplies of them, as by prudent regulations may be

continued: *Be it therefore enacted*, That if any person or persons whatsoever shall, at any time between the first day of March and the first day of December, in any year, after the publication of this act, at any place within this province, offer to sale [any rock-fish which shall not measure twelve inches at least, from the eye to the fork of the tail thereof; or] if any person or persons shall, at any time between the tenth day of May and the first day of September, in any year after the publication hereof, at any place within this province, offer to sale any oysters whatsoever, the person or persons so offending shall forfeit such [fish or] oysters; and the clerk of the market, or any overseer of the poor or constable in the city of Philadelphia, or any overseer of the poor or constable of the borough, district or township respectively, in which any [fish or] oysters shall be offered to sale contrary to this act, shall and are hereby required immediately to seize the same, for the use of the poor of such city, borough, district or township.—[*By Act of Assembly of January 26, 1802, (3 Smith, 481,) so much of this act as relates to the offering for sale any rock-fish under a certain size is repealed.*]

2. SECT. II. And whereas it has been a practice with some persons, who carry about oysters for sale, to cover such oysters with clams, alleging that they do not offer such oysters to sale, yet dispose thereof contrary to law, falsely pretending to sell clams only: *Be it therefore further enacted*, That if any person or persons shall, at any time between the tenth day of May and the first day of September, as aforesaid, at any place within this province, carry about, or have in his possession at the same time, any oysters, together with clams or other articles, offering such clams or other articles for sale, every such person or persons so offending shall forfeit such clams or other articles, together with such oysters; and the clerk of the market, or any overseer of the poor or constable of the city of Philadelphia, or any overseer of the poor or constable of the borough, district or township respectively, in which such clams or other articles shall be so offered to sale, shall immediately seize the same, together with such oysters, for the use of the poor of such city, borough, district or township.

3. SECT. III. *Provided always*, That if any person or persons shall think him, her or themselves aggrieved by such seizure as aforesaid, he, she or they may appeal to any justice of the peace in and for the city, borough or county, where such seizure shall be made, who is hereby empowered to hear and finally determine the same; and if thereupon it shall be adjudged by such justice, that the seizure was legally made, the person or persons so appealing shall further forfeit ten shillings, for the use of the poor of the city, borough, district or township respectively, in which such seizure shall be made.

Oysters.

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ORDINANCE.

Ordinance of February 8, 1790.

An ordinance, directing the mode of selling oysters.

1. From and after the first day of March next, no oysters in their shells shall be sold in the city, or at the wharves thereof, in any other manner than by count, or tale. And if any person or persons shall be guilty of selling such oysters in any other manner, he, she or they so offending, shall pay a fine of two dollars for every offence, to be recovered with costs, before the mayor, recorder or any alderman of the city, as debts under forty shillings are recoverable, by any person who will sue for the same, one half of which sum shall be for the use of the plaintiff, and the other half shall go to the mayor, aldermen and citizens of Philadelphia, for the use of the city.

Patroles.

ORDINANCE.

Mayor authorized to employ pa-	1	Expenses how to be charged,	2
troles,			

Ordinance of December 14, 1816.

An ordinance, authorizing the mayor to employ nightly patroles.

1. SECT. I. The mayor is hereby authorized to employ nightly patroles for the protection of the city, whenever he shall deem the measure expedient: and for this purpose he may accept the services of respectable citizens, or hire a sufficient number of able-bodied men, and in either case prescribe such rules for their government as may be necessary.

2. SECT. II. Any expenses incurred under this ordinance, shall be charged to the annual appropriation for lighting and watching the city.

Pennsylvania Hospital.

ACT OF ASSEMBLY.

Its property exempted from taxation,	1
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ORDINANCE.

Hospital lots exempted from taxation,	1
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ACT OF ASSEMBLY.

Act of March 19, 1816.

1. **SECT. III.** From and after the passing of this act, the Pennsylvania Hospital, together with the lot or square on which the same is erected, and the adjacent lots now employed in direct aid and occupation of the said institution, shall be and remain free from the payment of taxes as long as the same shall be directly occupied and employed as at present, for humane and charitable purposes.

ORDINANCE.

Ordinance of December 14, 1815.

An ordinance for exempting from taxation, certain vacant lots of ground, the property of the contributors to the Pennsylvania Hospital, appropriated to the purposes of the institution.

WHEREAS the contributors to the Pennsylvania Hospital, assisted by the benevolent donations of the legislature of the state, after having made large expenditures in erecting valuable and commodious buildings, and in establishing the institution upon a liberal and philanthropic plan, deemed it necessary to obtain possession of various lots of ground adjacent to the lot on which the buildings of the hospital stand, and acquired the same by purchase, for the purpose of providing for a free circulation of air, and for securing a site for the additional buildings which the increase of population might render necessary: *And whereas*, for a long series of years the hospital was unoppressed by taxes, by common consent of the authorities who assess and collect the same, and it being manifestly impolitic to diminish by taxation the funds of an institution derived from public and private munificence, and subservient to the cause of humanity and benevolence, an institution in which the friendless and destitute of every nation may claim an interest, and derive comfort and assistance: Therefore,

1. **SECT. I.** *Be it enacted, &c.* That the several lots of ground belonging to the contributors to the Pennsylvania Hospital, situate in the immediate vicinity of the lots on which the buildings of the said hospital are erected, and only separated therefrom by the intervention of the public streets, shall be hereafter wholly exonerated and exempted from assessment and taxation of any sum or sums of money, which hath, or have been, or may hereafter be directed by ordinance of the select and common councils of the city of Philadelphia to be assessed, raised, levied, or collected, for any use or purposes whatever, upon the estates real and personal within the said city, which exemption from taxation hereby granted, shall continue in full force and operation only so long as the lots aforesaid shall remain, as they now are, unoccupied by buildings, or may be occupied by buildings appropriated exclusively and alone to promoting the comfort of the patients or the convenience and improvement of the institution, but from which no income, rent, or revenue may be derived thereto.

ACT OF ASSEMBLY.

Commissioners to direct the depth of wells, &c. dug for privies,	1	Penalty on not conforming,	1
		Application of fines,	2

ORDINANCE.

Commissioners to direct the depth of wells, &c. for privies,	1	Penalty on not conforming,	1
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ACT OF ASSEMBLY.

Act of February 18, 1769.—1 Smith, 284.

[For the other sections of this act, which are in force, see Carriages and Horses, Culverts and Common Sewers, Nuisances, Streets and Pavements.]

1. SECT. XLI. And the more effectually to preserve the waters in the said city, district of Southwark, and Northern Liberties, wholesome and fit for use, *Be it enacted*, That the commissioners by law appointed for paving the streets of the said city, and supervisors of the district of Southwark and township of the Northern Liberties, respectively, with the assent of the mayor or recorder, and any two aldermen of the said city, or any two magistrates of the county of Philadelphia aforesaid, shall limit, direct and appoint the depth of all vaults, wells and sinks, hereafter to be dug in the built parts of the said city, district or township, for privies or necessary-houses; which regulation, being so made as aforesaid, shall be advertised in one at least of the newspapers of the said city, and then deposited in the hands of the clerk of the court of quarter sessions for the city and county of Philadelphia, subject to the inspection of any inhabitant of the city, district and township aforesaid, applying for that purpose; and that if any person or persons shall dig, or cause to be dug, any such vault, well or sink, for privies or necessary-houses, of any greater depth than shall be limited and appointed as aforesaid, every such person or persons so offending, and being thereof legally convicted as aforesaid, shall forfeit and pay the sum of twenty pounds, and the person or persons employed in digging the same, shall forfeit the sum of ten pounds. [*The office of street commissioners abolished, and the power of authorizing persons to perform their duties, vested in the select and common councils. See Corporation, A. A. 24, 25, 34, 48.*]

2. SECT. L. The one half of all fines and forfeitures arising by this act in the city of Philadelphia, not herein before appropriated, shall be paid to the informer, or the person or persons that shall sue for the same; and the other half thereof shall [be paid to the treasurer, appointed by the commissioners for cleansing and paving the streets of the said city, to] be applied towards paving and cleansing the streets of the said city. And one half of all fines, penalties and forfeitures aforesaid, so as aforesaid incurred for any offences committed out of the said city, shall be paid to

the supervisors of the highways of the respective districts or township, where the offence was committed, and applied to the repair of the highways of such district or township; and the other half to the person or persons who shall give information of the offence.

ORDINANCE.

Ordinance of May 22, 1797.

An ordinance providing for the appointment of city commissioners, and prescribing their duties.

[For the other sections of this Ordinance, see Carriages, City Commissioners, Lamps and Pumps, Nuisances, Streets and Pavements.]

1. SECT. V. The said commissioners shall determine upon and cause such additional wells to be dug, and pumps therein to be fixed, and lamps to be set up in such convenient places as to them shall appear necessary within the streets, lanes and alleys of the city. And they shall also, with the approbation of the select and common councils, limit, direct and appoint the depth of all vaults, wells and sinks hereafter to be dug within the city, for privies or necessary-houses, which regulation, being so made and approved in select and common councils, shall be advertised in two or more newspapers of the city, and then deposited in the office of the clerk of the mayor's court, for the inspection of any inhabitant of the said city. And if any person or persons whatever, shall dig, or cause to be dug any vault, well or sink for a necessary-house or houses of any greater depth, than shall be limited and appointed by the said commissioners in manner aforesaid, or nearer to the line of his lot than two feet, every such person or persons so offending, shall forfeit and pay the sum of one hundred dollars, and for every three months the nuisance shall remain after notice given by the said commissioners, to remove the same, the person or persons so offending shall forfeit and pay the sum of fifty dollars, to be sued for and recovered in the name of the mayor, aldermen and citizens of Philadelphia, in any court of competent jurisdiction, and paid into the treasury for the use of the city.

ACTS OF ASSEMBLY.

The city and county of Philadelphia to be a district,	1	How long both are to continue in office,	4
The city to be the first section,	1	Lists of directors elected to be furnished to the controllers, who are to advertise them,	5
Election of directors, and notice thereof,	2		
Directors to elect controllers,	3		

Act of March 3, 1818.

An act to provide for the education of children at public expense, within the city and county of Philadelphia.

WHEREAS the general provisions of the existing law towards “the establishment of schools throughout the state, in such manner that the poor may be taught gratis,” and the special provisions made relative to the city and county of Philadelphia, have not proved to be a public benefit within the said city and county, commensurate with the expense incurred by occasion of the same.

For remedy whereof,

1. **SECT. I.** *Be it enacted, &c.* That the city and county of Philadelphia shall be and hereby are erected into a district for the purposes of this act, to be denominated “The first school district of the state of Pennsylvania, and shall be divided into the following sections, and so many other sections as may be established hereafter, in the manner hereinafter provided. First, The city of Philadelphia shall be a section, and shall be denominated “The First Section.” Second, The Northern Liberties and Kensington shall be a section, and shall be denominated “The Second Section.” Third, Southwark, Moyamensing and Passyunk shall be a section, and shall be denominated “The Third Section.” Fourth, Penn township shall be a section, and shall be denominated “The Fourth Section.”

2. **SECT. II.** The common and select councils, the commissioners of the incorporated part of the Northern Liberties, the commissioners of the district of Southwark, the commissioners of the township of Moyamensing, and the commissioners of the district of Spring Garden shall meet, as soon as conveniently may be after the passing of this act, in their respective districts, and thereafter, on some day between the first and twentieth days of January in every year, and shall appoint the requisite number of qualified taxable inhabitants, residing within their respective sections hereby established, to be directors of the public schools within every of their respective sections, that is to say, The select and common councils of the city of Philadelphia shall, in joint meeting, elect by ballot twenty-four directors; the commissioners of the incorporated part of the Northern Liberties shall elect twelve directors; the commissioners of the district of Southwark shall elect six directors; the commissioners of the township of Moyamensing shall elect six directors, and the commissioners of the district of Spring Garden shall elect six directors; and for every section hereafter establish-

ed, the number of directors designated in the manner hereinafter provided, and shall transmit a list of the names of the directors so appointed by them to the county commissioners, who shall cause the same to be published in all the daily newspapers printed and published in the said city and county, and shall give personal, written or printed notice to every citizen so appointed, for the expenses of which services, the said county commissioners shall be allowed in the settlement of their accounts.

3. **SECT. III.** The said directors for every section shall, immediately after their appointment as aforesaid, meet together and elect one suitable person from among themselves, for every six directors, to be members of a select body, to be called "The controllers of the public schools for the city and county of Philadelphia."

4. **SECT. IV.** The directors appointed and controllers elected as aforesaid, shall continue in office until the expiration of one calendar month after a new appointment and election shall have taken place, and in case of the death, removal or resignation of any director or controller, from inability to serve, the directors for the time being, of the section in which such vacancy may occur, shall have power to elect any qualified taxable inhabitant or inhabitants of the section to supply the place of the person so dying, removing or resigning as aforesaid.

Act of January 23, 1821.

A supplement to the act, entitled "An act to provide for the education of children, &c."

5. **SECT. IV.** The select and common councils, the commissioners of the incorporated part of the Northern Liberties, the commissioners of the district of Southwark, the commissioners of the township of Moyamensing, the commissioners of the district of Spring Garden, and the Court of Quarter Sessions, shall annually, immediately after the election or appointment of the respective boards of directors, transmit a list of the names of the directors elected or appointed by them respectively, to the said controllers, who shall cause the same to be published in all the daily newspapers printed and published in the city and county of Philadelphia, and shall give personal, written or printed notice to every citizen so appointed; for the expenses of which services, the said controllers shall be allowed in the settlement of their accounts.

SECT. V. So much of the act to which this is a supplement, or of any other act, as is hereby altered or supplied, is hereby repealed.

ACT OF ASSEMBLY.

Power to prevent carriages pass-		This act to be given in evidence as	
ing at certain times,	1	a justification,	4
Posts for chains,	2	Penalty on removing chains or	5
Chains not to be extended through		posts,	
market house,	3		

Act of April 4, 1798.

An act to prevent the disturbance of religious societies within the city of Philadelphia, during the time of divine service.—3 Smith, 323.

WHEREAS by a law of the late province of Pennsylvania, passed the sixth day of February, one thousand seven hundred and thirty-one, religious societies were enabled to purchase and to hold lands, for the purpose of erecting thereon churches and bouses of religious worship, and all gifts, grants and purchases made before that time, for the purpose aforesaid, are ratified and confirmed by the said law to the respective religious societies, for whose use the said lands were granted, and under the faith and sanction of said law, sundry religious societies of different denominations have been induced to purchase certain pieces and parcels of ground, in such places as were most convenient in the said city, and have erected thereon, at great expense, churches and other houses of religious worship, and by the constitution of this commonwealth it is declared "that all men have a natural and indefeasible right to worship Almighty God according to the dictates of their conscience:" And whereas it would be nugatory to grant the said rights without securing the peaceable and quiet enjoyment of them:

1. **SECT. I.** *Be it enacted, &c.* That it shall and may be lawful to and for the religious societies aforesaid, and each and every of them, within the city of Philadelphia, and they are hereby authorized and empowered, and each and every of them is hereby authorized and empowered, by a suitable person or persons, by them for that purpose to be appointed, at the proper costs and charges of the said religious societies respectively, to extend and fasten so many chains across the streets, lanes or alleys, and in such place and manner as may be sufficient to hinder and obstruct all coaches, coachees, chariots, chaises, wagons and other carriages whatsoever, and all and every person or persons riding or travelling on horseback, from passing by the said churches or houses of religious worship during the time of divine service therein. *Provided always,* That the said chains or any of them, be not extended and fastened across the said streets, lanes or alleys, or any of them, at a greater distance from the said churches or houses of religious worship, than twenty feet from the corner nearest to the said chain: *And provided always,* That the said chains be not extended and fastened in manner aforesaid across the said streets, lanes and alleys, on any other days except Sundays, commonly called the Lord's day, nor on those days, until the commencement of divine service within the said churches or houses of religious worship respectively: *And*

premiums intended by the last will of the said John Scott, to be awarded and paid out of the interest of the four thousand dollars of the three per cent funded debt of the United States, bequeathed by him to the corporation of the city of Philadelphia, according to the terms and conditions provided by the said will; it shall then be the duty of the mayor to draw his order on the city treasurer, in favour of such committee, for so much of the interest of said stock already received, as may be sufficient to procure copper medals, to be delivered with said premiums, agreeably to said will; and to draw like orders for the interest for the current year, and the interest to be thereafter received, from time to time, to be distributed in premiums as aforesaid. *Provided*, That before any order be drawn for the distribution of premiums, the said committee shall report to the mayor in writing, the names of the persons to whom, and the useful inventions for which they have been so awarded, and the order shall in no case exceed in amount the premiums awarded and so reported.

2. SECT. II. This ordinance shall be and continue in force for five years, unless sooner repealed.

Sinking Fund.

ORDINANCES.

1	Of certain sums out of water-rents,	11, 12
1, 8	Of certificates stock in Schuyl-kill Navigation Company,	13
2	At what period appropriations from annual income to be made,	1, 8
9	When city stock to be purchased,	2
5	When United States stock,	3, 7
13	At market price,	7
10	When treasurer shall render accounts of his proceedings,	4
10	To pay off certain loans,	6, 9

Ordinance of March 26, 1807.

An ordinance for the reduction and payment of the funded debt of the city.

WHEREAS it is desirable that the reduction and payment of the debt due from the city of Philadelphia should be effected as speedily as circumstances will permit.

1. SECT. I. *Be it therefore ordained and enacted, &c.* That the sum of five thousand dollars, arising out of the annual income of the corporate estates of the citizens of Philadelphia, shall be carried in the present, and every succeeding year, to a fund, to be styled "The

Sinking Fund.

Sinking Fund," to be applied to the purchase and redemption of the several species of stock, constituting the funded debt of the city. [See post 8.]

2. SECT. II. The treasurer of the city, with the consent and approbation of the mayor, shall from time to time, as opportunity may offer, apply the said sum of five thousand dollars, in each and every year, together with the interest which shall have accrued upon the stock so purchased, to the purchase of the said stock or funded debt of the city, at its market price, not exceeding the par value thereof, until the same shall be redeemed, or otherwise discharged, and shall cause the certificates of the stock so purchased, to be transferred, by indorsement thereon, at the office, and in the presence of the treasurer for the time being, to the sinking fund, in the manner heretofore prescribed for the transfer thereof. [See post 7.]

3. SECT. III. If it shall so happen, that the city debt cannot be purchased at, or under the par value thereof, then and so often as the same may happen, the treasurer shall, with the consent and approbation of the mayor, invest the monies of the sinking fund, which may be in his hands, in the funded debt of the United States, commonly called the six per cent stock, and the stock so purchased, and the interest and reimbursement arising therefrom, shall be transferred to the sinking fund. *Provided*, [That no purchase of six per cent stock shall be made at a higher price than the par value thereof, and] that the par value [of the said stock, and] of the city debt, shall be estimated, by adding to the principal sum due thereon, the interest which may have accrued at the time of purchase. [Six per cents may be purchased at market price, post 7.]

4. SECT. V. The treasurer of the city shall once in every six months, and oftener, if required by the select and common councils, make out and deliver to the mayor, a full and exact account of his proceedings in the execution of the trust created by this ordinance, including a statement of his disbursements, and of the sums of the said stock, or funded debt, which he shall have from time to time purchased or redeemed, and specifying particularly the dates and prices at which, and the persons from whom the said purchases shall have been made, and shall transmit copies of the said account to the presidents of the select and common councils respectively.

Ordinance of April 4, 1809.

An ordinance for raising supplies and making appropriations for the services of the city, for the year one thousand eight hundred and nine.

SECT. I. II. III. [Temporary and obsolete.]

5. SECT. IV. The treasurer is hereby authorized and directed to carry to the sinking fund, the dividends received by him in the year 1808, and which may hereafter be received by him for the stock held by the city in the Schuylkill Bridge Company, to be invested by him for the same uses and in the same manner as is directed respecting the other monies of the said fund.

Ordinance of April 17, 1810.

A further supplement to the ordinance, entitled "An ordinance, for the reduction and payment of the funded debt of the city."

WHEREAS it appears by the statement of the treasurer that on the first day of July next, there will be in the sinking fund created by the ordinance to which this is a supplement, a sum equal or nearly so, to the payment of the entire loan of twenty-five thousand dollars, borrowed under the authority of an ordinance passed in the year one thousand eight hundred and six.—Wherefore,

6. SECT. I. *Be it ordained and enacted, &c.* That the treasurer shall, on the first day of July next, apply the proceeds of the said sinking fund agreeably to the directions of the ordinance to which this is a supplement, to the payment of the said loan of twenty-five thousand dollars, and that if on the said day, the sinking fund shall not have accumulated to the entire and full sum of twenty five thousand dollars, the mayor is hereby authorized and directed to borrow from any surplus funds which may be in the treasury, or for want of such surplus funds, the mayor is hereby authorized and directed to borrow from any person or persons on the security of a corporate bond and on common interest, to be repaid from the first subsequent proceeds of the said sinking fund, such sum as being added to the amount of the sinking fund at that time, will make up the entire and full sum necessary for the payment of the said loan: *Provided however*, that the six per cent stock, of which the said sinking fund partly consists, shall not be sold at less than the par value thereof.—[*This loan has been paid off, and now forms part of the sinking fund.*]

7. SECT. II. The treasurer of the city, with the consent and approbation of the mayor, shall invest the monies which may be received on account of the sinking fund, after the first day of July next, in six per cent stock of the United States at the market price thereof; and so much of the ordinance to which this is a supplement, as limits the price to be given for the said stock, to the par value thereof, is hereby repealed.

Ordinance of February 28, 1811.

A supplement to the ordinance, entitled "An ordinance for the reduction and payment of the funded debt of the city."

8. SECT. I. The sum of two thousand dollars, arising out of the annual income of the corporate estate of the city of Philadelphia shall (in addition to the five thousand dollars appropriated by the ordinance to which this is a supplement) be carried, in the present and every succeeding year, to, and become part of the sinking fund; and the said two sums of five thousand and two thousand dollars shall be carried to the said fund on or before the first day of April in each year.

9. SECT. II. Whenever and so often as the six per cent stock, which now is or hereafter may be purchased for the sinking fund,

and the money which may be in the treasury belonging to that fund, shall together amount to the sum which may be unredeemed of either of the loans borrowed, under the authority of the following ordinances, viz.

An ordinance providing for raising a sum of money on loan, for supplying the city of Philadelphia with wholesome water, passed the seventh day of February, one thousand seven hundred and ninety-nine:

An ordinance providing for the raising of a sum of money on loan, for supplying the city of Philadelphia with wholesome water, passed the thirteenth day of March, one thousand eight hundred and five:

A supplement to an ordinance, passed the twenty-first of April, one thousand eight hundred and eight, authorizing the mayor to borrow a sum of money for the improvement of High street, passed the sixteenth day of October, eighteen hundred and eight:

An ordinance for enlarging the market in Second street, and for other purposes, passed the twenty-seventh day of March, eighteen hundred and nine:

An ordinance authorizing the mayor to borrow the sum of seven thousand five hundred dollars in anticipation of the taxes of the present year, passed the thirty-first day of August, eighteen hundred and nine:

An ordinance for extending the market-house in High street from Fourth to Sixth street, passed the twenty-ninth day of March, eighteen hundred and ten:

A supplement to an ordinance for extending the market-house in High street from Fourth to Sixth street, passed the sixteenth day of July, eighteen hundred and ten:

An ordinance to authorize the mayor to borrow a sum of money for the purposes therein mentioned, passed the fourteenth day of August, eighteen hundred and ten:

An ordinance to authorize the mayor to borrow a sum of money to complete the sewer in Ninth street, passed the twenty-ninth day of September, eighteen hundred and ten:

The treasurer shall, with the consent and approbation of the mayor, sell the said six per cent stock, and shall apply the proceeds thereof, together with the other monies which may at the time belong to the said fund, to the payment of such loan, and the certificates or other evidences of the loan so paid shall be transferred to and become part of the sinking fund.—[*The above loans have been paid off and now form part of the sinking fund.*]

Ordinance of April 11, 1816.

An ordinance providing for the purchase of the State House and State House Square, in the city of Philadelphia, and raising the funds to make payment therefor.

10. SECT. IV. For the security of the persons who may become holders of the loans hereby authorized, the State House aforesaid, and the ground upon which it is erected shall be specifically pledged: And for the redemption of the said loans, any advance which may be obtained for the certificates aforesaid above their par value, together with one thousand dollars out of the first money which shall come into the city treasury after the first day of January in each year, from the rents of the said State House, shall be carried to and form part of the sinking fund of the city, and shall be invested with and managed in the manner prescribed by the ordinances relative to the said fund.

Ordinance of December 17, 1818.

An ordinance empowering the mayor of the city to raise money, to be applied to laying down iron pipes of conduct from the water works at Fair Mount.

11. SECT. V. For the purpose of redeeming the debt to be created by virtue of this ordinance, the sum of four thousand dollars shall be added to the sinking fund out of the water rents of the city; on the first day of May, eighteen hundred and twenty, and on the first day of every succeeding May, until the said debt is extinguished.

Ordinance of April 8, 1819.

An ordinance empowering the watering-committee to purchase from Josiah White and Joseph Gillingham, their rights to the water power of the river Schuylkill, and also to raise money on loan, for the purpose of erecting a dam and other works at or near Fair Mount.

12. SECT. VI. For the purpose of redeeming the debt to be created by virtue of this ordinance, the sum of ten thousand dollars shall be added to the sinking fund, out of the water rents, on the first day of May, in the year one thousand eight hundred and twenty-one, and on the first day of every succeeding May, until the said debt is extinguished.

Ordinance of May 3, 1821

13. SECT. III. In order to make good, and increase the appropriations to the "Sinking Fund," for the present year, that is to say, \$8,000 of the income of the corporate estate, and \$14,000 of the water rents, amounting together to \$22,000, the city treasurer is hereby authorized and required to transfer to the said fund the certificates of stock held by the corporation in the Schuylkill Navigation Company, amounting to \$25,000; also the certificates of stock held by the corporation in the Schuylkill Permanent Bridge Company, amounting to \$3,940:—in the whole, \$28,940.

174 State House & State House Square.

ACT OF ASSEMBLY.

Offered to the corporation for sale,	1	No buildings ever to be erected on the square, Certain lots excepted,	1 2
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ORDINANCES.

Mayor authorized to contract for the State House and Square,	1	the yard, or discharging certain articles therein,	5
City commissioners to employ a person to take charge of the yard,	2	On climbing on, or injuring the trees, &c.	5 6
Certain gates to be kept closed,	3	Pavement in front to be footway,	7
Hours of opening and closing the entrances,	4	No advertisements to be affixed to the State House,	7
Penalty on riding or driving into		Penalties, how recovered and appropriated,	7

ACT OF ASSEMBLY.

Act of March 11, 1816.

An act providing for the sale of the State House and State House Square, in the city of Philadelphia.

1. SECT. VII. If the corporation of the city of Philadelphia, known by the name of "The mayor, aldermen and citizens of Philadelphia," shall, at any time ten days previously to the day to be appointed for the sale of the said lots on the first day of June next, contract with the governor, who is hereby authorized to make the contract, for the sale of the State House and Square, with the exceptions hereinafter made, together with the aforesaid clock, for the sum of seventy thousand dollars, and pay into the bank of Pennsylvania, to the credit of this commonwealth, one-third part of the purchase money, and deposite a receipt therefor within five days thereafter in the hands of the state treasurer, or the commissioners appointed to make sale of said State House and Square, it shall be the duty of the governor or commissioners, as the case may be, to stop the sale of said lots; and on the said corporation making payments of the residue of the purchase money, in the same proportion, manner and times that payments are hereinbefore directed to be made for lots, the governor shall, when the whole purchase money shall have been paid, make a deed in the name of the commonwealth for said State House and Square, vesting the title in the said corporation in fee simple: *Provided always, nevertheless,* And it is hereby declared to be the true intent and meaning hereof, that no part of said ground lying to the southward of the State House within the wall as it is now built, be made use of for erecting any sort of buildings thereon, but that the same shall be and remain a public green and walk for ever.

2. SECT. IX. There is hereby excepted out of the State House Square, and shall not be liable to be sold, the two lots, one on the north-east corner, and the other on the north-west corner of said square, as the same have been reserved and excepted for the use of the

county and city of Philadelphia, under the third section of the act of the seventeenth of February, one thousand seven hundred and sixty-two; and the lot on the east side of the said square, granted to the American Philosophical Society, under the act of the twenty-eighth of March, one thousand seven hundred and eighty-five; and the two public offices, which, by the act of March the twenty-fourth, one thousand eight hundred and twelve, were put into the possession of the commissioners of Philadelphia county, which said offices are hereby released from the claim of the state, and given and granted, in fee simple, in lieu of the expense laid out in repairs on the State House Yard, and the offices and ground on which they stand, or on which they are allowed by said act to stand, are hereby granted and confirmed to the said city and county of Philadelphia forever.

ORDINANCE.

Ordinance of April 11, 1816.

An ordinance providing for the purchase of the State House, and State House Square, in the city of Philadelphia, and raising the funds to make payment therefor.

1. SECT. I. The mayor of the city is hereby authorized to contract on behalf of this corporation, with the governor of the commonwealth, for the purchase of the State House and State House Square in the city of Philadelphia, upon the terms prescribed by an act passed at the last session of the legislature of Pennsylvania, entitled an act providing for the sale of the State House and State House Square in the city of Philadelphia.—[For the other sections of this ordinance, see Loans.]

Ordinance of March 27, 1817.

An ordinance relative to the State House and State House Yard.

2. SECT. I. It shall be the duty of the city commissioners, from time to time, to employ some suitable person to take the care and oversight of the State House Yard, and the gates and other public entrances thereof, and especially to put in force the regulations hereby established.

3. SECT. II. The large gates of entrance to the State House Yard, situated at the ends of the fire proof offices, and also the small iron gates on the east and west sides of the said yard, shall be kept constantly closed and locked, excepting on days of election and other public occasions, when the mayor of the city may direct the same to be opened: *Provided always*, That nothing herein contained, shall prevent the city commissioners from opening the said gates when necessary to carry in materials for repairing and keeping the said yard in order, or for removing rubbish therefrom, or for any other purpose which the said commissioners may approve.

4. SECT. III. The gate at the south end of the State House Yard, the back door of the State house, and the public entrances to the said yard from the fire proof offices, shall be closed and securely locked at nine o'clock in the evening of every day, from the first day of April to the first day of November, and within half an hour after sun-set during the remainder of the year, excepting on days of election, when the same may be kept open as long as the city commissioners may consider necessary; and the said gate, back door and entrances from the fire proof offices, shall be unlocked daily within half an hour after sun-rise. And any person who shall unlock or break open any of the gates or doors of entrance to the said yard, in violation of the provisions of this ordinance, shall forfeit, for each offence the sum of twenty dollars.

5. SECT. IV. If any person or persons shall ride into the said State House Yard, or shall drive or take into the same, any wheelbarrow, horse, cart, or carriage, except under the directions of the city commissioners, and for the purpose mentioned in the second section of this ordinance, or shall discharge or place any wood, coal, rubbish, carrion or offensive matter, within the said yard, he, she or they, so offending, shall forfeit for each offence the sum of five dollars. And if any person or persons shall climb upon the trees, palisades or gates of the said yard, or shall in any manner wilfully injure the said trees, palisades or gates, or either of them, or the stone coping steps or wall of the said yard, or any part thereof, or dig up the soil, or practice any game or sport therein calculated to injure the herbage and grass growing in the said yard, he, she or they, so offending, shall forfeit and pay for each offence the sum of two dollars.

6. SECT. V. The whole of the space paved with brick, and lying between the front of the State house fire proof offices and the south line of Chestnut street, shall be considered as part of the footway, and the provisions of existing ordinances relative to footways, shall be and the same are hereby extended to every part of the said space.

7. SECT. VI. No play bill, or other advertisement, shall at any time be placed upon the external part of the State House, or in the hall of the said building, and any person so offending shall forfeit and pay for each offence the sum of five dollars: *Provided always*, That this prohibition shall not extend to the doors of the two court rooms, upon which may be attached such notices as the judges may from time to time order and direct.

8. SECT. VII. The several penalties imposed by this ordinance may be sued for, and recovered with costs, before the mayor, recorder or any alderman of the city, to the use of the corporation.

ACTS OF ASSEMBLY.

Footways to be swept,	1	Owners of property to be compensated,	6
Shavings, ashes, &c. how to be disposed of,	2	To be paid within a year,	7
Penalty on throwing dirt, &c. elsewhere than as appointed,	3	Certain streets to be laid with hard substance,	9
Penalty on removing bars, &c. across newly paved streets,	3	Owners to lay footways in like manner,	9
Certain streets, &c. to be high-ways,	4, 8	Ends of streets on the Schuylkill,	10
Proceedings to open streets, &c.	5	No street to be opened across the State House Yard or public squares, &c.	11

ORDINANCES.

Paving of footways,	1	Mulberrystreets, west of Tenth street,	9
When lots are not built upon,	2	In Hudson's alley and Laurel st.	12
Paving of private cartways,	2	In High, between Del. Front and Water streets,	16
Pavements to conform to the regulations of the mayor, aldermen and regulators,	3	On north side of Walnut, between Delaware Fourth and Fifth st.	17
City commissioners to examine curb stones,	4	Contracts for cleansing the streets,	13
Sifting lime and laying materials in the streets,	5, 8	Stipulations,	10, 11, 13
Rubbish from cellars and stables to be removed,	5	Duty of commissioners in case of contractor's neglect,	10
Exception as to house dirt,	5	Proceedings, when private lanes &c. deemed nuisances,	13
Footways, when to be formed,	6	When to be cleaned at public expense,	14
Horses or carriages not to pass, or be unladen on footways,	7		
Width of footways in High and			

ACTS OF ASSEMBLY.

Act of February 18, 1769.—1 Smith, 284.

[For the other sections which are in force, see Carriages and Horses, Culverts and Common Sewers, Privies.]

1. SECT. VIII. *And be it further enacted*, That the inhabitants and occupiers of the houses and lots, and the sextons, porters or other keepers of churches, meeting-houses, academies, schools and other public buildings, and burying-grounds, fronting the paved streets, lanes and alleys, within the said city, shall rake and sweep into the cart-way the dirt, soil, and other filth, to be found on the brick pavement or foot-way before their respective houses, lots or dwellings, or cause the same to be done, once at least in every week; that is to say, on every Friday, when the snow or ice on the said pavements does not prevent, that it may be removed by the said scavengers on the same day, or the day following, under the penalty of any sum, not exceeding five shillings, for every neglect or refusal.

2. SECT. IX. No person or persons whatsoever shall cast or lay, or cause to be cast or laid, any shavings, ashes, dung or other filth

or annoyance, on any pavement within the said city, under the penalty of any sum, not exceeding twenty shillings, for every such offence; but every such person and persons, having such shavings, ashes, dung or other filth, shall keep the same in some other place, until the scavenger shall attend with his cart to carry off the same, which he is hereby enjoined to do once in every week, at least, if required at the door of every such person, under the penalty of five shillings for every refusal, and to take and receive the same into his cart, and to remove the same out of the inhabited parts of the said city, under the penalty of five shillings for every neglect or refusal: *Provided always, and be it enacted*, That every such person having such mud, dung, ashes or other filth, so to be carried off, shall pay to every scavenger, for all such filth, and no other, as shall be occasioned by or arise from his particular trade, business or occupation, and is not incident to common house-keeping, at such rate as shall be from time to time settled and ascertained by the said commissioners, unless he, she or they shall choose to carry off the same at his, her or their own expense, in another manner.

3. SECT. XXX. If any person or persons shall, after the publication of this act, cast or throw down out of any cart, wagon or other carriage, any rubbish, dirt or earth, in any public street, lane or alley of the city of Philadelphia, save only in such parts and places as shall be appointed and agreed on by the said commissioners, for pitching and paving the said streets, every such person shall forfeit and pay for every such offence, the sum of five shillings, and pay the costs of removing the same, and if any person or persons save the said commissioners, shall destroy, remove or pull down any bar, chain, rope or fence, which the said commissioners shall hereafter cause to be set up, in or across the said streets, lanes or alleys, for the preservation of the pavements, then newly made, or to be made; every such person, who shall offend in the premises, shall forfeit and pay the sum of three pounds for every such offence.

Act of April 15, 1782.—2 Smith, 48.

4. SECT. X. The streets, lanes and alleys within the said city, heretofore offered for and dedicated to public use by private persons, and all streets, lanes and alleys which have been directed and laid out by the supreme and executive council, for the accommodation of the purchasers of the public lots within the said city, that have been or shall be sold, so far as the same are laid out through the said public lots, for the redemption of the bills of credit of this commonwealth, dated the twenty-ninth day of April, one thousand seven hundred and eighty, shall be considered and deemed highways, according to the records thereof remaining in the surveyor-general's office, as fully, to all intents and purposes, as any highways laid out by order of the court of quarter sessions of any county within this state.—[For the other sections which are in force, see *Nuisances, Surveyors and Regulators, and Vaults.*]

Act of March 25, 1805.

An Act for the better regulation of the city of Philadelphia and districts adjoining, and preserving the navigation of the river Schuylkill. 7 Bioran, 469.

5. **SECT. I.** The court of quarter sessions of the county of Philadelphia, on being petitioned to grant a view of or for opening any street, lane or alley, within the city of Philadelphia, shall have power, and by virtue of this act are directed and required, as often as they judge it useful, in open court, to order and appoint twelve discreet and disinterested freeholders, neither of whom shall reside or own real estate, in the city aforesaid, who, being first sworn or affirmed, shall together with the commissioners of the county for the time being, or a majority of them, view the ground proposed for opening such street, lane or alley; and if they, or any ten of them, view the said ground, and any seven of the actual viewers, exclusive of the county commissioners, agree that there is occasion for such street, lane or alley, to be opened, they shall proceed to lay out the same, as agreeably to the desire of the petitioners as may be, in such manner as to do the least injury to private property, and shall make report thereof, stating particularly, whether they judge the same necessary, together with a plot or draft thereof, to the next court of quarter sessions; and if then and there the court aforesaid shall approve of the same, it shall, at the next court thereafter, be entered on record, and thenceforth shall be taken, deemed and allowed to be a public street, lane or alley, compensation being first made to the owner of the ground or other property, as herein after directed: *Provided*, That no street, lane or alley, so opened, shall, in any case, exceed fifty feet in breadth.

6. **SECT. II.** On the return of the viewers reporting in favour of opening any street, lane or alley, as aforesaid, and the same being approved of by the court, at their next session thereafter, to which the report is returned, the court shall appoint twelve discreet and disinterested freeholders, neither of whom shall reside or own real estate within the city aforesaid, who, being first sworn or affirmed, shall inquire what damages the owner or owners of lands, house, houses or other property, shall or may sustain by reason of the same being taken, used and appropriated for the purpose aforesaid: *Provided always*, That it shall be the duty of the said freeholders in assessing damages, to consider the advantages which may accrue to the owner or owners of such lands, house, houses or other property, by reason of opening such street, lane or alley.

7. **SECT. III.** Upon the return of valuation and assessment of damages, as aforesaid, for ground or other property taken and appropriated for public streets, lanes or alleys, within the city aforesaid, and the court of quarter sessions of the county of Philadelphia having approved the same, the amount of damages awarded, as aforesaid, shall be paid by the treasurer of the said county, and so soon as the said damages are paid, the mayor of the said city

shall cause such street or other passage to be opened, agreeably to the direction of the court: *Provided always*, That unless the same shall be paid within one year next after the return made by the viewers, all such proceedings as aforesaid shall be void and of no effect whatever.

8. SECT. IV. All streets, alleys, courts and lanes which have been heretofore laid out, opened and appropriated to public use by private persons within the city of Philadelphia, and all those streets, courts and other passages which shall be laid out and opened by order of the inspectors of the jail, on any of the city lots granted by the commonwealth, by an act entitled "An act to direct the sale of certain unimproved lots, the property of this commonwealth, in the city of Philadelphia, and to appropriate the proceeds thereof towards the erection of a building for the purpose of more completely carrying into effect the penal laws of this state;" and also all those streets, alleys, courts and lanes which shall hereafter be laid out, opened and appropriated to public use by private persons: *Provided* the same be not less than twenty feet wide, shall, to all intents and purposes, be held, deemed, taken and be highways, as fully and completely, according to their extent, as any highways laid out by order of the court of quarter sessions of any county within this commonwealth.

9. SECT. V. The select and common councils of the said city shall be authorized to make all ordinances which they shall judge useful or necessary for the forming, laying with broken stone or gravelling any of the streets, alleys, courts or lanes within the said city, which shall at any time by them be judged improper to order to be paved, and whenever the cartway of any such street, court or other passage shall be regulated, shaped and formed, or when so formed and laid with gravel or other hard substances, in either of those cases, the owners of the several lots which are bounded upon or adjoining any such street, court or other passage, shall be obliged to form or shape, or lay with hard substances or gravel, the respective footways opposite to their several lots, in such manner, at such time and under such penalties as shall be directed by the said ordinances.

10. SECT. VI. *And whereas* the charter granted to the citizens of Philadelphia, by William Penn, (proprietor of Pennsylvania,) on the twenty-fifth day of October, one thousand seven hundred and one, doth not grant to the citizens the same right to occupy and use the ends of the streets which extend to the river Schuylkill which was granted on the river Delaware, and as such a public benefit will now be highly useful to the inhabitants of the said city, and to other citizens of this commonwealth: Therefore, *Be it enacted*, That the corporation of the said city shall be invested with all and singular the powers and authorities, jurisdictions, rights and immunities in, to and over the ends of each and every public street or alley which extends to or into the river Schuylkill, as

Fully to all intents and purposes, and to the like uses, as by the said **Charter**, or any law of this commonwealth, is or are granted to the **former** or present corporation of the said city. respecting the east **ends** of the several streets which extend to or into the river Delaware, that part of the west end of High-street, belonging to the **Bridge** company, only excepted.

Act of March 7, 1821.

An act explanatory of the act for the better regulation of the city of Philadelphia and districts adjoining, and preserving the navigation of the river Schuylkill.

11. SECT. I. The act entitled "An act for the better regulation of the city of Philadelphia and districts adjoining, and preserving the navigation of the river Schuylkill," shall not be so construed as to authorize the courts of quarter sessions of the county of Philadelphia, to make any order upon any petition for opening a street, lane, or alley, over the public squares, and State House Yard, or either of them.

ORDINANCES.

Ordinance of May 22, 1797.

An ordinance providing for the appointment of city commissioners, and prescribing their duties.

[For the other sections of this act, see Carriages and Horses, City Commissioners, Lamps and Pumps, and Nuisances.]

1. SECT. X. Where the cartway in any public street, lane or alley in this city, hath been paved or hereafter shall be ordered to be paved with stone, under the authority of this ordinance, every owner of the lot or lots of ground opposite to such stone pavement, shall without delay, at his own cost, cause the footway in front of his ground to be paved with brick, and supported by hewn stones and kept in repair, as they have formerly been or shall be ordered to be done; and if the owner of any ground opposite to the stone pavement heretofore made or hereafter to be made, shall neglect to pave with brick and support the foot-way and keep the same in repair as before directed, for the space of twenty days after he or the tenant or occupant of such lot, or the attorney in fact of the said owner, shall have been thereto required by any of the city commissioners, then it shall and may be lawful for the said city commissioners, and they are hereby enjoined and required, to pave with brick and support in the manner aforesaid, and to repair all such footways as aforesaid, and to recover the whole amount of the expense thereof, together with twenty per centum advance thereon, as a penalty for such neglect, and the costs of suit, by an action in the name of the mayor, aldermen and citizens of Philadelphia, to be brought in any court of competent jurisdiction, against the owner of such lot of ground, or to levy the same by distress and sale of goods and chattels of the tenant in possession of such lot of ground, in the manner that rents are or shall be by law recoverable, which tenant

is hereby authorized to pay the same, and deduct the amount thereof out of the rent which may then be due or thereafter become due, for such lot or lots of ground, and the same, when recovered, shall be paid into the treasury for the use of the city; *Provided always nevertheless*, That the said commissioners shall not require or cause to be paved or repaired, before the front of any lot or lots not actually built upon, more than a strip or brick pavement of the breadth of five feet from the gutter or stone edge bordering the footways, the residue of such footways from the said strip of pavement to the line of the streets being laid with gravel, so as to support the said pavement in such manner as the said commissioners shall direct.

2. SECT. XI. Where there are private cartways leading from public cartways to any store-house, stables or other building, and crossing any footway within the paved parts of the city, such footway where it shall be so crossed, shall be paved at the expense of him, her or them, for whose use such cartway is or shall be required or allowed in manner following, *that is to say*, either wholly with broad flat stones hewn and laid close together, or wholly with hard bricks laid on their narrowest side or edge.

3. SECT. XII. When the select and common councils shall have directed any streets, lanes and alleys to be paved, re-paved or repaired, the commissioners shall execute the same according to such regulations as shall be agreed on by the mayor, aldermen and regulators, according to law. And to prevent irregularities in the footways of old pavements, and preserve a plain and even surface, any person or persons making any new pavement or repairing any old one, shall conform the same to the regulation already made, under the penalty of forfeiting for every offence the sum of twenty dollars, to be recovered with costs by the said commissioners or any of them, and paid into the treasury for the use of the city; and the commissioners are hereby moreover authorized to take up all pavements which have heretofore been laid contrary to existing regulations, or may hereafter be laid in violation of this ordinance, and cause the same to be paved in conformity thereto, at the expense of the proper owner, and to recover the whole amount of the expense thereof, together with twenty per centum advance thereon as a penalty, in the manner and for the use as heretofore directed in the tenth section of this ordinance. [*See City Commissioners, 8.*]

4. SECT. XIII. The said commissioners shall examine all the stones provided by the owners of lots for the purpose of supporting footways at the line of the cartways, and if they shall not be of sufficient length, depth and thickness, and of good quality, or shall not be hewn so as to form even joints, and to present fair surfaces, with a proper bevel on the top and front, they shall reject the same; and if any owner shall cause any of the stones so rejected to be put into the said pavement to support a footway, he or she shall forfeit and pay the sum of half a dollar for every foot, running measure, of the length of such rejected stones, to be recovered with costs by the

said commissioners or any of them, and paid into the treasury for the use of the city.

5. SECT. XIV. When any person shall be about to erect or repair any house or building, [within the paved parts of the city,] and shall be desirous to occupy a part of the street by placing a lime-house, and materials for building therein, he shall apply to the city commissioners, some two or more of whom [shall view the place, and if they shall think it necessary to have a lime house and lay materials in the street, they] shall allot such part of the street as they shall think necessary and proper to accommodate the owner, and shall give a written permission, describing the space so to be used, and containing a condition, that the lime is to be sifted in an inclosure with a close board fence, of at least eight feet in height within the said space, or upon the owner's ground, so as not to inconvenience the citizens; and if any person shall place any lime-house or materials for building within the paved parts of the city, without such permission so as aforesaid first obtained, or shall place any lime-house, sift lime, make mortar, or place any materials, lime-core or rubbish in any other part of the street or in any other manner than shall be allowed by the commissioners as aforesaid, or shall suffer the same to remain in the place allowed for more than two weeks after such building shall be covered in, or in case of repairs, for more than twenty-four hours after the commissioners shall have given notice for the removal thereof, he or she shall forfeit the sum of three dollars for every day the same shall so remain, after such notice given, to be recovered with costs by the said commissioners and paid into the treasury for the use of the city, and if any person cleaning any cellar, stable or other place, or paving or repairing any footway, or upon any other occasion, shall place any rubbish or dung in the street and suffer the same to remain there more than twenty-four hours after they are so placed, or after the repair be finished, or after notice to remove shall be given by the commissioners or some person by their order, he or she so offending shall forfeit the sum of two dollars, to be recovered with costs, before any alderman, by any person who will sue for the same, one moiety thereof to the use of him who shall sue, and the other moiety to be retained by the alderman, and paid into the treasury for the use of the city. *Provided always*, That this section or any part thereof, shall not be construed to extend to any house-keepers, or their servants collecting their house dirt, and placing the same with the dirt and rubbish, to be raked out of the gutters, and water courses in a heap without the gutters, to the end that the scavengers may remove the same. [*See post 8.*]

Ordinance of October 1, 1811.

An ordinance for the improvement and protection of the footways within the city of Philadelphia.

6. SECT. I. Wherever the cartways of any unpaved public street, court, or other passage within the city of Philadelphia hath been

heretofore, or shall be hereafter regulated, shaped and formed, it shall be the duty of the owners of the several lots of ground, situate and bounded upon, or adjoining any such street, court or other passage, to regulate, shape and form, and lay with hard substances or gravel, the respective footways opposite to their several lots of ground, and to keep the same at all times in good and sufficient repair; and in case any owner of ground situate as aforesaid, shall refuse or neglect to regulate, shape and form, and lay with hard substances or gravel, any footway situate as aforesaid, or to keep the same in good and sufficient repair, as aforesaid, for the space of twenty days after having been thereto required by any of the city commissioners, it shall and may be lawful for the said city commissioners, and they are hereby enjoined and required, to cause such footway to be regulated, shaped and formed and laid with hard substances or gravel, as aforesaid, or to be put and kept in good and sufficient repair as the case may require; and to recover the whole amount of the expense thereof, together with twenty per cent advance thereon, as a penalty, with costs of suit by an action in the name and for the use of the mayor, aldermen and citizens of Philadelphia, to be brought before any magistrate or court of competent jurisdiction against the owner or owners of such lot of ground situate as aforesaid, or to levy the same by distress and sale of goods and chattels of the tenant in possession of such lot of ground in the manner that rents are by law recoverable; which tenant is hereby authorized to pay the same and deduct the amount thereof out of the rent which may then be due, or thereafter become due, for such lot or lots of ground, and the same when recovered shall be paid into the treasury for the use of the city.

7. SECT. II. If any person or persons shall wilfully or negligently ride, drive, or lead a horse or horses upon, or cause or permit a carriage of any kind whatsoever, to pass upon or along any footway within the city, paved with brick or stone, or regulated, shaped or formed, and laid with hard substance or gravel, as is hereinbefore mentioned, or shall unlade or cast out of any cart or other carriage upon any such footway, any cord-wood, brick, stones, bar-iron, timber, lumber or coals, he, she or they so offending, shall forfeit and pay for every such offence the sum of five dollars, to be recovered before the mayor or any alderman of the city, with costs; one half thereof to the use of the mayor, aldermen and citizens of Philadelphia, and the other half thereof to the use of the persons suing for the same; *Provided nevertheless*, that nothing herein contained shall be construed to extend to prevent the passage of any horse or carriage across any such footway as aforesaid, into any stable, building or enclosure.

SECT. III. [Repealed, see *Surveyors and Regulators*, O. 19.]

SECT. IV. [For this section, see *Regulators and Surveyors*, O. 7.]

SECT. V. [For this section, see *Barrows*, &c.]

SECT. VI. So much of the ordinance passed on the eighteenth day of January, in the year of our Lord one thousand seven hundred and ninety, entitled, "An ordinance for the suppression of nuisances and enforcing useful regulations within the city of Philadelphia," as is hereby altered or supplied, be, and the same is hereby repealed.

Ordinance of February 12, 1818.

A supplement to an ordinance entitled, "An ordinance providing for the appointment of city commissioners, and prescribing their duties."

8. SECT. I. From and after the publication of this ordinance, any person who may be desirous of obtaining a permit to place a lime-house or building materials on a public street, shall make application in writing to the city commissioners, stating the number and extent of the buildings, for the accommodation of which he or she may desire to occupy the street. And thereupon, the said commissioners, or any two of them, on such applicant paying the sum of twenty-five cents for the use of the city, shall grant a permit, to continue in force for such time as they shall deem reasonable and necessary: having due regard to the number and magnitude of the improvements about to be erected. And any person obtaining such permit who shall neglect to have such lime-house and materials removed from the street within two weeks after the expiration of the permit, shall be liable to the penalties mentioned in the fourteenth section of the ordinance to which this is a supplement: *Provided always*, that if it shall be made appear to the satisfaction of the said commissioners, that a further indulgence be necessary, the persons applying for the same shall pay to the said commissioners, for the use of the city, the sum of five dollars, who shall thereupon grant a second permit, to continue in force for such length of time, and in such diminution of the space to be occupied as to them shall appear reasonable and just; and any person obtaining such second permit who shall not cause the lime-house and materials to be removed from the street at the expiration of such permit, shall forfeit and pay the sum of two dollars for each and every day the same may remain in the street after the expiration thereof, to be recovered with costs by the said commissioners, and paid into the treasury for the use of the city.

SECT. II. So much of the ordinance to which this is a supplement as is hereby altered, is hereby repealed.

Ordinance of August 3, 1819.

An ordinance establishing the width of the footways in certain streets.

9. The width of the footways in High-street, west of Tenth-street, shall be *nineteen feet*; and Mulberry-street, west of Tenth-

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street, *fifteen feet*; any existing regulation or ordinance to the contrary notwithstanding.

Ordinance of February 23, 1821.

A further supplement to an ordinance entitled, "An ordinance providing for the appointment of city commissioners, and prescribing their duties."

SECT. I. [Authorized the commissioners to contract for cleansing the streets for one or two years.—*Obsolete.*]

10. SECT. II. The said contract shall contain, besides such other stipulations as may be necessary to secure effectually the keeping of the said streets, lanes and alleys in cleanly condition the following, *viz.* That the contractor shall cause all the paved public streets, lanes and alleys to be completely scraped and cleansed at least once in each week; and such parts thereof as may be deemed necessary by the commissioners, which parts shall be specified in the contract, twice in each week, and when heaps of dirt are formed by the scavengers, they shall be immediately removed. The duty of the contractor shall extend to keeping open the gutters, the passages of the streets, and the mouths of the common sewers and culverts, at all seasons, and particularly from obstructions by ice. That all dirt, manure or other nuisances offensive to the sight or smell, all brick bats, stone, mortar, cellar dirt, or rubbish of any kind, and every kind, found scattered over the streets, lanes or alleys, for the deposit of which no permit has been obtained from the commissioners of the city, or unless in the act of removal from the premises of individuals, according to law shall, on the first passage of the scavengers, be scraped into heaps of dirt, and taken away therewith. That it shall be the duty of the contractor to cause the High, Second and Broad-Street markets to be completely cleansed, as often as may be required by the city commissioners, how often weekly, to be specified by the contract. That it shall be the duty of the contractor or his agents, finding nuisances in the public streets, lanes or alleys, contrary to law, to have them forthwith removed, and to give information thereof to the proper authority, and of the person or persons creating the nuisance, in order that they may be dealt with as the law directs. That the contractor shall be immediately liable for neglecting to perform all or any part of his duty. And the commissioners are directed, on witnessing such neglect, or having satisfactory evidence thereof, to cause the necessary scraping, cleansing, and hauling, to be immediately performed at the expense of the contractor, and the cost thereof to be deducted from any moneys due, or becoming due to him, from the city treasury, or to be recovered by suit.—[*See post 13.*]

SECT. III. The ordinance passed March 9th, 1818, together with any other ordinances, or parts of ordinances, contrary to the provisions of this ordinance, are hereby repealed.

Ordinance of March 29, 1821.

An ordinance repealing part of an ordinance, passed February 28th, 1821, entitled, "A further supplement to the ordinance entitled, 'An ordinance providing for the appointment of city commissioners, and prescribing their duties.'" ,

11. So much of the ordinance to which this is a supplement, as requires the contractor to keep open the gutters from obstructions by ice, is hereby repealed, except so far as relates to the intersections of the streets, and the mouths of the common sewers and culverts.

Ordinance of June 28, 1821.

An ordinance respecting the footways in Hudson's alley and in Laurel-street.

12. The width of the footways in Hudson's alley shall be the same as they heretofore have been; that is to say, *three feet eight inches*. And the footway on the west side of Laurel-street, from Pear-street to the north side of Sarah Buckley's lot, shall be dispensed with; and from thence to York-court it shall be four feet wide; and the footway on the east side of Laurel-street, to nine feet north of the north line of York-court, shall be of the usual width of six feet, and shall then gradually widen to ten feet at the angle in the front of Jos. B. Barry's lot, formed by the curb-stone as now laid, any existing regulation or ordinance to the contrary notwithstanding.

Ordinance of August 9, 1821.

An ordinance concerning the paving of private lanes, courts and alleys, in the city of Philadelphia, and the removal of nuisances from the same.

13. **SECT. I.** Whenever the board of health shall make known to the city commissioners, that any private lane, court or alley, within the city, is a nuisance, and requires to be regulated and paved, or whenever the city commissioners shall be satisfied of the same by their own observation, it shall be their duty forthwith to give notice, in writing, to the owners or occupiers of the houses, tenements, or lots, having the use and privilege of such lane, court, or alley, or to the agents of such owners, that unless the said nuisance be removed, and the said lane, court or alley, be regulated and paved, within six weeks after such notice, the city solicitor will be directed to cause prosecutions to be instituted against such owners, occupiers, or agents, for the nuisance complained of; and in case such notice be disregarded, the city commissioners shall, at the expiration of the said six weeks, report the same to the city solicitor accordingly, with the facts and circumstances necessary to such prosecutions, which he shall institute and bring to trial without delay.

Streets and Pavements.

14. SECT. II. Whenever a private lane, court or alley, being of a sufficient width for a cart way, shall have been regulated and paved as aforesaid, it shall be the duty of the city commissioners, with the consent of the owners or occupiers of the houses, tenements, or lots, adjacent, or the agents of such owners, to cause the said lane, court, or alley, to be cleansed from time to time, at the expense of the city, in the same manner as the public streets of the city are, or shall be directed to be cleansed.

Ordinance of April 18, 1822.

An ordinance to provide for the cleansing of the city.

15. SECT. I. The city commissioners are hereby authorized to contract with Matthew Arrison, George Bumm, and William Zane, for the scraping, cleaning, and removing of the dirt and other nuisances found on the public streets, lanes, and alleys of the city, for two years, from the date of the said contract. The said contract to contain, in addition to such other provisions as may be deemed necessary by the city commissioners, all the stipulations recited in the second section of an ordinance, passed the 23d February, 1821, entitled, "A further supplement to an ordinance entitled, 'An ordinance, providing for the appointment of city commissioners, and prescribing their duties,'" as explained by a subsequent ordinance on the same subject, passed on the 29th of March, 1821. Provided, the sum to be paid to the said Matthew Arrison, George Bumm, and William Zane, shall not exceed twenty-five hundred dollars per annum; also, that they give satisfactory security for the performance of the contract.

Ordinance of May 16, 1822.

An ordinance for fixing the width of the footways in High-street, between Delaware Front and Water streets.

16. The curb-stones on the north and south sides of High-street, between Delaware Front and Water streets, shall be placed in a line with the curb-stones lately set in High-street, between Delaware Front and Second Streets, any existing ordinance or regulation to the contrary notwithstanding.

Ordinance of July 13, 1822.

An ordinance establishing the width of the footway, on the north side of Walnut-street between Delaware Fifth and Sixth streets.

17. The width of the footway on the north side of Walnut-street, between Fifth and Sixth streets from Delaware, shall be thirteen feet, any existing regulation or ordinance to the contrary notwithstanding.

NOTE.

See *City Commissioners*, O. 6, 7, 8.

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ACTS OF ASSEMBLY.

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ORDINANCES.

Provision for survey of streets west of Delaware Fifth-street, for making marks of regulations and fixing line-stones, 1, 3, 5 For preparing drafts of the principal streets, exhibiting a plan of the course of the common sewers, with a book of references, 2, 4 Streets to be regulated by the said draft and book, which are to be deposited among papers of corporation, 6 Penalty on injuring the marks on line-stones, 7 How width of foot-ways to be determined, 7, 29 Mayor to appoint three regulators or surveyors, 9 Their qualifications, 10 One to be recording surveyor, 10 Who to have books of drafts of the city rebound in eight volumes, 10, 31 To enter therein information respecting ownership and lines of lots, 31 To procure eight books, 21 And protract therein accurate diagrams of the squares, 11, 21 To carry and attach levels to the tops of the line-stones, 12 His duty on surveys of lots, 13, 28, 29 To record all regulations of descents, water-courses, &c. 15 To have charge of books appertaining to surveyor's or regulator's office, 17 Which he may keep at his private office, 22	To certify copies therefrom and keep them open for inspection, 17, 22 To make all regulations unless in case of inability, when to procure one of the other regulators, 25 His compensation, 16, 22 Establishment of permanent point near the centre of the city, 12 And of numerous and accurate references to govern future regulations, 12 Proceedings of persons desirous of having lots surveyed, 28 Duties of regulators on surveys of lots, 13 Copy of diagram of lot to be delivered into office of recording surveyor, 28 And one on request, to person interested, 14 Fee therefor, 14 Penalty on building on line of public way without such survey, 29 Or not in conformity with it, 14, 29 Rule for regulations west of Delaware Fifth-street 18 Regulation of heights, ascents, &c. not already established and recorded, how determined, 27 Rate of descent of foot-ways how regulated, 19 Rule for establishing their width, 8, 30 Standard rods, 20, 23 Surveying apparatus to be procured, 24 Compensation of regulators, 16 Proceedings preparatory to paving, 25
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Surveyors and Regulators.

ACTS OF ASSEMBLY.

Act of February 24, 1721.

An act for regulating party-walls, buildings and partition fences, in the city of Philadelphia.—1 Smith, 124.

1. Whereas divers inconveniences, irregularities and controversies, have lately been, and still frequently happen, in relation to party-walls, and laying the foundation of buildings, in the city of Philadelphia: for the remedying whereof for the future, *Be it enacted*, That no person or persons, builder or builders, whatsoever, shall, from and after the twenty-fifth day of March, one thousand seven hundred and twenty-one, lay the foundation of any building or party-wall within the said city, before they have applied themselves to the surveyors or regulators, [to be appointed by the mayor and commonalty of the said city, in their common council, who are hereby empowered to appoint two or more discreet and skilful persons for that purpose.]—[*The office of regulators under this act became obsolete, but by the acts of incorporation the power of providing for it was vested in the select and common councils, Corporation A. A. 25, S. 4, 47, who have vested the appointment in the mayor; post O. 9.*]

2. SECT. II. The said surveyors or regulators, upon application to them made, shall have full power and authority to enter upon the land of any person or persons, in order to set out the foundations, and regulate the walls, to be built between party and party, as to the breadth or thickness thereof; which foundation shall be laid equally upon the lands of the persons, between whom such party-wall is to be made; and the first builder shall be reimbursed one moiety of the charge of such party-wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall any-ways use or break into the said wall. The charge or value thereof to be set by the said regulators.

SECT. III. IV. V. [Supplied, *post A. A. 5, 6, 9.*]

3. SECT. VI. The said surveyors or regulators, or any two of them, shall have full power to regulate partition fences within the said city; and where the adjoining parties do improve or inclose their lots, such fences shall be made in the manner generally used, and kept in good repair, at the equal cost of the parties, so that the price for making exceed not forty shillings for every hundred feet, unless the owners or possessors, between whom such fence is or shall be erected, do agree otherwise.

4. SECT. VII. If either party, between whom such partition fence is or shall be made, shall neglect or refuse to pay his part or moiety for the repairing or setting up of such partition fence as aforesaid, then the party at whose cost the same was so repaired or set up, may have either his action at law, or have the same determined as in cases of debts under forty shillings, as the case may require.

Act of April 15, 1782.

An act to amend and render effectual an act, entitled, "An act for regulating party-walls and partition fences in the city of Philadelphia," to declare divers new streets and ways opened and to be opened and laid out within the said city, to be highways, and also to declare nuisances by buildings within the said streets removeable, and for other purposes therein mentioned.—2 Smith, 48.

Whereas an act of assembly, passed on the twenty-fourth day of February, which was in the year of our Lord (according to the new stile) one thousand seven hundred twenty and one, entitled, "An act for regulating party-walls and partition fences in the city of Philadelphia," has upon experience been found to be an useful law, by preventing contentions concerning the boundaries of landed property within the said city and by preserving the breadth and directness of the streets and alleys of the said city: and whereas, ever since the late revolution, the said act, though revived with divers other laws of the late province of Pennsylvania, has been wholly dormant and inoperate, because of the dissolution of the late corporation of the mayor and commonalty of the said city, which corporation, in and by the said act, was authorized to appoint the surveyors and regulators in the said act mentioned, and to receive and determine appeals from the said surveyors or regulators. And whereas divers amendments to the said act may be usefully made:

SECT. II. [Providing for the appointment of surveyors or regulators supplied; *post* O. 9.]

5. SECT. III. All appeals hereafter made from the order, direction and award of the said regulators, in pursuance of the said act, and of this act, shall be taken and made, and shall lie to the next court of common pleas to be holden for the county of Philadelphia, after the expiration of one calendar month from the time of making the order, direction or award, appealed from, but not afterwards nor otherwise; whereupon the said court (upon security being entered by the party appealing for the payment of costs, as well his own as those of the party appellate, in case he or she prevail not in his or her suit) shall direct *à-venture* to the sheriff of the county, commanding him to summon a jury to try the matter in dispute, and shall proceed therein according to the course of the common law.

6. SECT. IV. If any person shall lay the foundation or begin to lay the foundation of any party wall, or of any wall adjoining or upon the line of any public street, lane or alley, within the said city, before the line and boundaries of the lot or piece of land whereon the said foundation shall be so laid, or begun to be laid, shall be adjusted and marked out by the said regulators, or two of them, every such person, as well employer as master-builder, shall forfeit the sum of ten pounds, one half part thereof to the street commissioners for the time being, to be laid out towards making or mending

the pavements of the public streets, and the other half thereof to the use of the informer, together with costs; provided the prosecution be commenced in the city of Philadelphia, and within twelve calendar months after the offence shall be committed.

7. SECT. VI. The regulators, so to be appointed as aforesaid for the said city, shall enter into a book all directions, orders and awards, by them made in pursuance of said act, and of this act, concerning the boundaries of any lot or land situated within the said city (such book to be provided for them by the commissioners for paving and cleansing the streets of the said city;) and every such order and award, if made with reasonable notice beforehand to the parties interested therein, shall conclude and bind all persons, unless the same be set aside upon appeal as aforesaid; and the said regulators of the said city shall in like manner enter in the same book all regulations, made by the said justices and themselves, of descents, water-courses, common sewers, and all other their proceedings and actings in their office as regulators. [*Provision made for books of surveyors; post O. 10, 21, 31.*]

8. SECT. VII. *Provided always*, That no person under age, *non compos mentis*, covert, imprisoned, or beyond sea, or any person who shall not have reasonable notice as aforesaid, shall be injured or affected by any proceeding, order, direction or award, of the said regulators, so as the party and parties so disabled, or not noticed, enter and prosecute his, her and their appeal, as aforesaid, within three years after coming to full age, sound memory, discovery, return from beyond sea, or if within the United States, within one year after notice in writing shall be given of the order and award of the said regulators.

9. SECT. VIII. The said regulators, for their trouble in regulating and setting out the lines of any lot or piece of land, in pursuance of the said act, and of this act, and for entering their order and award concerning the same as aforesaid, shall be paid by the parties interested therein five shillings each, and no more; and for surveying, regulating and laying out any streets, water courses and common sewers, the sum of ten shillings to each of them who shall be employed therein, for every day so employed; to be paid by the commissioners for paving and cleansing the streets of said city, by an order on their treasurer.—[*See post O. 13, 14, 16.*]

10. SECT. IX. The regulators of said city, together with their necessary assistants, may, at all seasonable hours, enter into or upon any lot or land within the said city, and survey and measure the same, in order to perform the service and duty required of them by virtue of this act.

[*For remaining sections which are in force, see Streets and Pavements and Vaults and Grates.*]

ORDINANCES.

Ordinance of May 9, 1804.

An ordinance to appoint surveyors of the streets of Philadelphia, and for other purposes therein mentioned.

1. **SECT. I.** The mayor is hereby authorized to appoint two qualified persons, whose duty it shall be to survey and regulate, with respect to ascents and descents, all the principal unpaved streets in the city between Delaware Fifth-street and the river Schuylkill, ascertaining the highest and most elevated part of each street, from which the water ought to run in different directions; and at some one of the corners of every two crossing streets, between Fifth-street aforesaid and Broad-street, and at the intersections of crossing streets at the distance of every three squares from Broad-street to Schuylkill, if a brick house be built thereon, they shall make, on the corner of the said house, a permanent mark at the exact height of two feet above what ought to be the level of the gutter or water-course opposite to the said corner; but in case no brick house be built on any of the said corners, then they shall put down and firmly fix a cut stone of sufficient durability, the top of which shall be cut off horizontally at the exact height of two feet above the bottom of the gutter or water-course as above, with a hole in its top, the centre of which shall be the angular point or intersection of the sides of the said crossing streets, having always in view to distribute the water along the several streets as equally as possible: it shall also be the duty of the said surveyors to determine and fix the course of such common sewers as they shall judge necessary.

2. **SECT. II.** The said surveyors shall make a large and correct draft or plan of all the principal streets within the bounds aforesaid; marking thereon all the natural water-courses and the common sewers, if any shall be found necessary, with all the marked corners of intersecting streets as aforesaid, and the several points of greatest elevation in each street, from which the water is to run in different directions. The said surveyors shall also carefully insert, in a book to be provided for that purpose, with proper references to the draft, the quantity of descent (expressed in inches to the hundred feet) in all the principal streets aforesaid, from one marked corner to another, as also from the highest points in each street (when not a corner) to the next marked corners between which it stands, with their distances from the said points respectively. They shall, in like manner, note the depth and quantity of descent as aforesaid, of such common sewers as shall be found necessary, with such explanatory notes and observations relating to the whole as they may judge useful.

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Ordinance of March 3, 1806.

A supplement to an ordinance entitled, "An ordinance to appoint surveyors, &c."

Whereas two surveyors have been appointed as by the said ordinance is directed, one of whom is since deceased, and whereas such progress has been made by the surviving surveyor, in the duties assigned to them by the said ordinance, as renders the appointment of another unnecessary, and whereas it is thought advisable to make some alterations in the provisions of the said ordinance,

3. **SECT. I.** *Be it therefore ordained and enacted,* That the said surviving surveyor, shall proceed with all reasonable expedition to complete the duties hereby, and by the ordinance aforesaid enjoined, and shall place the stones directed by the said ordinance, at such distance below the surface of the ground, as will secure them from being either broken by carriages, or moved by frost. one of which stones shall be placed near one of the four corners of each crossing principal streets (except where other permanent marks can be had, or where the ground is unsuitable for the purpose) within the limits of the foot pavement, at a convenient uniform distance from, and parallel to, the true lines of the said crossing streets respectively, so that each stone may serve as a point or mark, from which to find the lines of the two crossing streets.—[See post 5.]

4. **SECT. II.** The said surveyor shall, on or before the first day of May next, deposit in the city commissioners' office, one large and correct draft or plan, with a suitable book of references, exhibiting in a clear and distinct manner, the regulation and adjustment of the descents, or draining system of the streets, as contemplated by the said ordinance; and shall, on or before the first day of October next, deposit in the office aforesaid, one other large and correct draft or plan, with a suitable book of reference, exhibiting in a clear and distinct manner, all the principal streets as mentioned in the said ordinance.—[See post 6.]

Ordinance of June 18, 1807.

A further supplement to an ordinance entitled, "An ordinance to appoint surveyors, &c."

Whereas it is found, that the directions, contained in the ordinance to which this is a supplement, and in the supplement thereto, passed the third day of March, one thousand eight hundred and six, in relation to the placing of the stones thereby directed to be placed, for the purpose of making the intersection of the lines, or sides of crossing-streets, in that part of the city which lies between Delaware Fifth-street and Schuylkill, are in some respects inconvenient, and may be so changed as to diminish the

expense, and at the same time, fully answer the purpose intended,

5. **SECT. I.** *Be it therefore ordained and enacted, &c.* That the surviving surveyor, mentioned in the supplement before mentioned, shall place the stones so directed by the said ordinance, and the supplement thereto, along one side of each principal street in that part of the city which lies westward of Fifth-street, within the limits of the foot-pavement, and at a convenient and uniform distance from the true lines of the said principal streets respectively, and at a convenient distance from the crossing and intersection thereof.

SECT. II. So much of the ordinance aforesaid, and supplement thereto, as is contrary to directions and provisions herein contained, is hereby repealed.

Ordinance of July 13, 1809.

An ordinance for the purpose of directing the manner of regulating the ascents and descents of the unpaved streets of the city of Philadelphia, between Delaware Fifth-street and the river Schuylkill, and to fix the courses of such common sewers, as may be necessary within the said limits.

Whereas, by several ordinances it was made the duty of the city surveyors to survey and regulate the ascents and descents of the unpaved streets of the city westward of Delaware Fifth-street, and to make a correct draft of the same, together with a plan of the courses of such common sewers as may be necessary within the said limits, and to deposit the said draft with a proper book of reference in the office of the city commissioners. And whereas the said draft and book of reference have been completed, and the stones and marks directed by the said ordinances fixed and made, and the several forms thereby prescribed have been pursued and complied with,

6. **SECT. I.** *Be it ordained and enacted, &c.* That the surveyors of the city and the city commissioners shall regulate the lines and limits of the streets, the ascents and descents thereof, and courses of the common sewers within the limits aforesaid, and which have been surveyed in the manner aforesaid, agreeably to the said draft and book; which draft and book shall be forthwith deposited among the books and papers of the city councils, and a copy thereof be deposited in the office of the city commissioners, which copy shall at all reasonable hours be submitted to the inspection of any person or persons, who may be desirous of examining the same.

7. **SECT. II.** If any person shall wilfully remove, injure or deface any of the stones or marks which have been fixed and made as aforesaid, and shall be thereof convicted before the mayor, recorder, or any alderman, every person so convicted shall forfeit and pay for every such offence the sum of one hundred dollars, with costs, for the use of the city.

Surveyors and Regulators.

Ordinance of October 1, 1811.

8. SECT. IV. For the purpose of introducing an uniformity in the width of the public streets, courts and passages of the city, it shall be the duty of the city regulators, or a majority of them, forthwith to meet together and determine upon the width to which the footways shall extend in the said several public streets, courts and other passages between the west side of Delaware Fifth-street and the river Delaware, which determination shall be regularly entered in the book of record of the said regulators, and signed by them or a majority of them, and shall thereafter be conformed to in the regulation of the said footways.—[*See Streets and Pavements*, 14, 15.]

Ordinance of August 6, 1814.

An ordinance authorizing the mayor to appoint city regulators or surveyors, and establishing an office for preserving the records of their proceedings, and for other purposes.

Whereas it appears expedient, and necessary, to provide for the appointment of regulators or surveyors of the city of Philadelphia, and to establish an office for preserving the records of their proceedings, as well as for the safe keeping of the book, papers, maps, and documents relating thereto, therefore,

9. SECT. I. *Be it ordained and enacted by the citizens of Philadelphia, in select and common councils assembled,* That immediately after the passing of this ordinance, the mayor of the city shall appoint three discreet and skilful persons, duly qualified, to be regulators and surveyors of the city of Philadelphia; which persons, so to be appointed, shall have all the powers and authorities and execute and perform the duties, and be entitled to the emoluments, of regulators or surveyors of the said city. And in case of the death, resignation, refusal to serve, or removal for misbehaviour, or inability in office, of any person appointed, as aforesaid, the vacancy thus arising shall be supplied by appointment to be made in manner aforesaid, by the mayor for the time being.

10. SECT. II. And whereas much inconvenience hath been sustained in consequence of the surveys and regulations heretofore made, not having been duly entered, recorded, and preserved, as required by law; to prevent which in future, *Be it further ordained and enacted,* That at least two of the persons to be appointed by virtue of this ordinance, shall be practical surveyors, one of whom shall be designated by the mayor at the time of appointment, to be the recording surveyor; and the said recording surveyor and regulators, before they enter on the duties of their offices, shall give their bonds to the mayor, aldermen and citizens of Philadelphia, the said recording surveyor in the sum of three thousand dollars, and each of the said regulators in the sum of two thousand dollars, conditioned respectively for the faithful

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performance of the duties of recording surveyor and regulators of the city of Philadelphia. Which recording surveyor, in addition to his duties as a regulator or surveyor, shall do and perform the several duties hereinafter mentioned, to wit, he shall cause the large books of draughts of the city, now deposited in the regulator's or surveyor's office in the city hall, to be separated into eight volumes, and rebound in a substantial manner, at the expense of the city; each volume to contain one division of the city, lying between two principal east and west streets, and extending from the Schuylkill to the Delaware, and also such number of additional blank leaves, as shall appear to be necessary. The *first* division of the city to be from Vine to Sassafras street; the *second* from Sassafras to Mulberry street; the *third* from Mulberry to High street; the *fourth* from High to Chesnut street; the *fifth* from Chesnut to Walnut street; the *sixth* from Walnut to Spruce street; the *seventh* from Spruce to Pine street; and the *eighth* from Pine to Cedar street. He shall also procure, at the expense of the city, nine folio blank books of royal paper, and substantially bound; eight of which shall be books of reference; one to each of the aforesaid draught books, and the remaining one shall be for the recording of descents, water courses, and sewers.—*[The books of draughts directed to be applied to a different use when rebound; post 31.]*

11. SECT. III. The said recording surveyor shall, where the same is not already done, accurately protract in the draught books [aforesaid] a plat or diagram of each square of the city, bounded by the main or principal streets, together with its interior alleys and public passages, assigning to each leaf not more than one entire square, commencing with each of the aforesaid divisions of the city at Schuylkill, and extending to Delaware; and also shall write thereon, the exact measure of the sides and divisions of the said squares, and the names of the streets, alleys, and public passages, bounding, or being within the same: and in an intelligible manner shall note and number in their proper places upon the said plats or diagrams, all permanent marks of reference now made, or which may be hereafter made, in any of the said squares, streets, alleys, or public passages, whether the same relate to lines, or to ascents, descents, or water courses; explanations and descriptions of which shall be written in the proper books of reference, with an index and numbers in the manner hereinafter pointed out in relation to lots. And where any plats or diagrams contained in the said draught books remain incomplete, the said recording surveyor shall proceed to finish the same in the manner hereinbefore mentioned, as speedily as possible.—*[Other books to be procured for the diagrams; post 21.]*

12. SECT. IV. The mayor, together with the whole of the regulators to be appointed agreeably to this ordinance, shall meet immediately after the appointment of said regulators, and determine

on a particular permanent point or mark, somewhere near the centre of the city, noting such mark in the proper book of reference, and its height above the general plane, assumed in the plan now in the city clerk's office, and marking the same in the book of draughts, to which the said point or mark shall belong: And after the establishment of such point or mark, in case any difference of opinion shall arise between the said regulators or surveyors, the same shall be proceeded with in the manner pointed out in the tenth section. The said recording surveyor, [in conjunction with one of the said regulators] shall, as soon as he conveniently can, carry and attach the levels to the top of the line stones, lately set down in that part of the city west of Delaware Fifth-street, so that the said stones may refer to heights as well as to the lines of the said streets, and cause posts sufficient to guard or defend the said stones from injury or removal, to be placed wherever the same may be necessary, and where the said guard posts are not necessary, and other permanent marks cannot be had, he shall cause index posts to be placed opposite to the said stones, so that the said regulators or surveyors may have numerous and accurate references by which to govern all their future regulations. And if the true measurement of any of the squares, streets, alleys, or public passages of the city cannot be otherwise obtained, he shall, in conjunction with one of the regulators as aforesaid, accurately measure the same, and place permanent marks wherever the same may be necessary, for which services, they shall each of them receive such compensation as is provided by the eighth section of this ordinance.—[See post 25.]

13. SECT. V. Whenever the said regulators or surveyors, or either of them, shall survey, regulate, or lay out, any lot or piece of ground within the city, it shall be the duty of the person or persons making such survey or regulation, to deliver a plat or diagram thereof, with the boundaries and the length of its lines noted thereon, and its distance from the nearest street, alley, or permanent building, together with such direction, order or award, as may be legally made concerning any such survey or regulation, into the office of the said recording surveyor, within thirty-two days after such survey or regulation shall have been made; excepting in cases of appeal, in which cases the same shall be delivered within ten days after the appeal shall be decided. And the said recording surveyor shall enter and protract in the proper draught book, and upon the plat of the square to which it may belong, a correct plat or diagram of every lot which may be hereafter surveyed or regulated by himself or the other regulators or surveyors, and shall number the same, beginning with No. 1 in each square, and mark upon the lines thereof their true measurement. And shall set down in the proper book of reference, a description of each lot, together with every direction, order or award, made by the said regulators or surveyors, touching or concerning the same,

and the time when, and the name of the person for whom, the said survey, regulation, or other proceedings may have been made. He shall also in the proper book of reference, place the number of each lot so entered, in the margin of the index of the particular square in which the same may be situate, opposite to which number he shall place the page or pages of the said book of reference, where the entry of any matter relating to each respective lot shall or may be made. For which entry and recording, he shall be entitled to the sum of fifty cents, to be paid by the owner of each lot surveyed or regulated; and in case any lot shall not be surveyed or regulated by the said recording surveyor himself, it shall be the duty of the regulator or surveyor, who may make the survey or regulation of the lot, to receive and pay over to the said recording surveyor, the said sum of fifty cents.—[See post 28.]

14. SECT. VI. It shall be the duty of the surveyors or regulators, making such survey and regulation, to deliver at the time of making the same, or immediately thereafter, to the party or parties interested therein, if requested so to do, a copy of the said plat or diagram, he, she, or they, paying therefor the sum of fifty cents, besides the usual charge for making the said regulation. And whenever the boundaries of any lot or piece of ground adjoining or upon the line of any public street, lane, alley, or court, within the city, shall have been regulated and marked out by the said regulators or surveyors in the manner herein described, and any person shall begin to build thereon, and in so doing shall not conform to the said regulations, every such person, as well employer as master builder, shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered with costs, by any person who will sue for the same, before the mayor or any alderman of the city, in the same manner as debts under one hundred dollars are recoverable, one moiety to the use of the person who shall sue for the same, and the other moiety the mayor or alderman shall receive and pay to the city treasurer, for the use of the city.

15. SECT. VII. It shall also be the duty of the said recording surveyor to enter in the book of descents and water courses, all regulations and proceedings which shall, from time to time, be legally made or had, of descents, water courses, and common sewers, and of every matter relating thereto, together with the date when the same may have been made, and a suitable index of reference.

16. SECT. VIII. Each of the said surveyors or regulators shall be entitled to receive at the rate of five dollars per day for himself, and one dollar and twenty-five cents per day for an assistant, whenever he shall be employed in surveying, regulating, laying out or making any public streets, alleys, passages, water courses, or common sewers, to be paid in the usual manner upon certificates of the commissioners, and orders of the mayor. And the said recording surveyor shall be entitled to receive at the rate of

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[four dollars] per day, whenever he shall be actually employed in the regulator's or surveyor's office, in doing or performing the several matters and things of a public nature herein before directed; the amount due to the said recording surveyor for the said office services, to be ascertained by an account to be stated by him half yearly, verified by his oath or affirmation, which account shall be rendered to the mayor, and a duplicate thereof filed with the city commissioners, in the same manner with other accounts, and if the mayor shall approve the same, as justly due, he shall draw his warrant on the city treasurer for the amount thereof, chargeable to the contingent appropriation of each year. But no charge or account shall be admitted or paid to any of the said surveyors, for any services they may do or perform for the corporation, unless a regular account of the same be rendered every six months; such accounts to commence on the first days of January and July, in each and every year, or as soon thereafter as any services shall be performed by them for the corporation aforesaid.—[*Compensation of recording surveyor increased; post 26.*]

17. SECT. IX. The aforesaid books, together with all maps, records, papers, and documents, appertaining to the surveyor's or regulator's office, [shall be deposited in the room, in the north-west corner, on the second floor, of the city hall, under the especial charge of the recording surveyor, and shall on no account whatever be removed therefrom, unless by order of the select and common councils, and] shall at all reasonable times be open to the inspection of the mayor, recorder, aldermen, members of the select and common councils, regulators, and city commissioners, gratis, and to every other person who shall pay to the said recording surveyor for his own use, the sum of twenty-five cents for such inspection, and fifty cents for each copy certified by him of the draught, regulation, and description of any lot, which may have been regulated, entered, and recorded in the said books, to be paid by the person requesting the same, which copy or copies the recording surveyor is hereby enjoined to furnish, when requested by any person interested in the same.—[*The books and papers may be kept at private office of recording surveyor; post 22.*]

18. SECT. X. In all regulations of heights, ascents, descents, water courses, sewers, and lines of streets hereafter to be made within that part of the city situate to the westward of Delaware Fifth-street, the plan, survey and book of explanations made by virtue of the ordinance, entitled "An ordinance to appoint surveyors of the streets of Philadelphia, and for other purposes therein mentioned," passed May 9, 1804, and the supplements thereto, and the regulations thereby established, shall be implicitly pursued by the said regulators or surveyors. Excepting such of the squares, as have been so fully improved as to forbid an exact conformity with the true lines of the streets, in any such case, they shall con-

form to the said established regulations as near as circumstances will admit. And in case either of the regulators or surveyors to be appointed by virtue of this ordinance, shall wilfully deviate from the regulations exhibited in the said plan and survey, and such deviation shall be fully proved to the mayor, the same shall be considered as misbehaviour in office, and the person guilty thereof shall be immediately removed, and another appointed in his stead. *Provided however*, that if when it shall be necessary to regulate any part of the city westward of Fifth-street aforesaid, it shall appear to a majority of the regulators or surveyors that any part of the regulations exhibited by the said plan and survey are incorrect, or that the operations thereof would be inconvenient to the public at large, it shall be the duty of the said regulators or surveyors to certify their opinion, with the alterations they may propose, to the mayor and recorder, who shall thereupon, in conjunction with four or more of the aldermen of the city, examine the said regulation, and view the ground, and if they or a majority of them shall concur in the opinion with the majority of the said regulators, the mayor or recorder shall forthwith make out two certificates, stating the error or inconvenience of the regulation proposed by the said plan and survey, together with the alteration suggested by a majority of the said regulators, one of which certificates shall be transmitted to the select council, and the other to the common council, and if the said councils shall, by concurrent resolution, approve the alteration, the same shall go into effect, and be duly recorded accordingly.

SECT. XI. [Altered and supplied; *post* 25, 27, 30.]

19. SECT. XII. In order to preserve a regular, uniform surface for the foot pavements throughout the city, every foot-way which may be paved or repaved after the passing of this ordinance, shall descend at the rate of half an inch in each foot, and no more, from the lines of the streets to the top of the curb-stone, said curb-stone being set agreeably to the city plan of regulation, except where such descent would materially injure any property heretofore built upon or improved. In which case it shall be the duty of the mayor, in conjunction with two or more of the said regulators or surveyors, to view such foot-way when requested so to do, and grant such relief as to them shall appear right and just, subject nevertheless to the revision and approbation of councils, in case of an appeal made to them by any person who may think him or herself aggrieved by said decision, provided the same may be made and filed with the recording surveyor within twenty days from the time said decision has been made or the pavement put down. And if any person or persons shall make or repair any foot pavement, and shall not observe and conform to the regulations so to be made as aforesaid, all such person or persons shall forfeit and pay for every such offence, the sum of five dollars, to be recovered with costs, by any person who will sue for the same, in manner aforesaid, one moiety to the use of the person who shall

sue for the same, and the other moiety the mayor or alderman shall receive, and pay to the city treasurer, for the use of the city; and in case such forfeiture shall be exacted, and the person or persons offending shall refuse or neglect to alter their foot pavement, and make the same conformable to the said regulations, they shall pay for every two months continuance of the said offence, treble the said sum, to be recovered in the manner and for the uses hereinbefore mentioned.

20. **SECT. XIII.** It shall be the duty of the mayor, in conjunction with the surveyors, immediately after the appointment of said surveyors, to procure, at the expense of the city, a rod of durable wood, with the end thereof covered with brass, copper, or other fit material, of the length of ten feet, and cause the whole of the said rod to be divided into feet and inches, and after the same shall be so procured, deposit it in the office of the recording surveyor, there to remain as a permanent standard rod, for the use of the citizens generally, who are hereby authorized and permitted to have free access thereto, at all reasonable times, and use the same as much as is necessary for adjusting or measuring the rods used by them, provided the same be not injured or removed from the surveyor's office. And it shall be the special duty of the said regulators or surveyors, to be appointed by virtue of this ordinance, to have all rods or measures used by them, made agreeably to the said standard rod, and have the said divisions marked on them in like manner, and on neglect or refusal so to do, the same shall be considered a misbehaviour in office, and on full proof thereof made to the mayor, every person so offending shall be immediately removed from office, and another appointed in his stead.

SECT. XIV. The third and [fourth] sections of an ordinance entitled an ordinance for the improvement and protection of the footways within the city of Philadelphia, passed the first day of October 1811, and so much of any other ordinance or ordinances, as is hereby altered or supplied, are hereby repealed.—[*Sect. 4. restored; post 30.*]

Ordinance of February 2, 1815.

A supplement to an ordinance, entitled "An ordinance authorizing the mayor to appoint city regulators or surveyors, &c."

21. **SECT. I.** [The large books of draughts of the city, directed by the ordinance to which this is a supplement, to be separated and rebound, shall remain and be preserved in their present form, and] the recording surveyor, [in the place thereof,] shall procure eight books of large size drafting paper, each volume to contain one division of the city, lying between two principal east and west streets, and extending from the Schuylkill to the Delaware, and shall in the said books accurately protract a plat or diagram of each square of the said city, bounded by the main or principal streets, together with its interior alleys and public passages, as is provided by the said ordinance, with respect to the eight books therein

directed to be procured — [*The direction to separate and rebind the books of draughts of the city renewed; post 31.*]

22. SECT. II. Until councils shall otherwise direct, the said recording surveyor shall be, and he is hereby permitted to remove all books, maps, papers, and documents, appertaining to the surveyor's or regulator's office, or so many of them as he may find necessary, into his own private office, there to be safely kept in suitable cases or chests, which said books, maps, papers, and documents shall, at all reasonable times, be open to inspection, as in the said ordinance is directed.

23. SECT. III. In addition to the permanent standard rod directed to be procured by the ordinance to which this is a supplement, the mayor, in conjunction with the said surveyors, shall procure one other rod of durable wood, and shall cause to be accurately marked thereon, a scale of equal parts, exactly corresponding with that used in regulating, with respect to ascents and descents, all the principal unpaved streets in the city, between Delaware Fifth-street and the river Schuylkill, as laid down in the plan of survey and book of explanations, made by virtue of the ordinance entitled An ordinance to appoint surveyors of the streets of Philadelphia, and for other purposes therein mentioned, passed the 9th of May, 1804, and the supplements thereto; and the said rod, when so procured, shall be deposited in the office of the recording surveyor—and the said regulators and surveyors are hereby directed to use rods corresponding with the said scale of equal parts, in all regulations of ascents and descents, agreeably to the said plan of survey, and book of explanations.

24. SECT. IV. There shall be procured, at the expense of the corporation, all the instruments and apparatus necessary for the said regulators or surveyors, in performing the duties of their respective offices, a correct list of which, together with a list of all books, maps, papers and other property belonging, or which may belong, to the office of city regulators and surveyors, shall be made and entered by the recording surveyor in a book to be kept by him for that purpose.

Ordinance of May 21, 1818.

A supplement to the ordinance, entitled "An ordinance authorising the mayor to appoint city regulators or surveyors, &c."

25. SECT. I. From and after the passing of this ordinance, all regulations which may be required in carrying into effect any ordinance or resolution of the select and common councils, relating to pavements or other public works, shall be made by the recording surveyor (at the request of the city commissioners) and in case of his inability to attend, he shall procure it to be done by one of the other city regulators. And when any public street, lane, court or alley within the city, shall be regulated preparatory to paving the same, a sufficient number of stakes or marks show-

ing the height of the curb-stone, the ascent or descent of such street, lane, court or alley, shall be driven down and made at the spot where the curb-stone of the said street, lane, court or alley ought to be placed. And the same shall be examined by the mayor or recorder, with the city commissioners, or a majority of them; and if found to agree with the established regulation of ascents, descents and lines of streets, they shall prepare a report in writing subscribed with their names, of all the proceedings relative thereto, and make return thereof to the recording surveyor, who shall receive and file the same.

26. SECT. II. There shall be allowed to the recording surveyor, an annual salary of seven hundred and fifty dollars, payable quarterly, to commence from the first day of the current year in lieu of office rent, and as a compensation for his services in preserving the books, maps, records, and other papers belonging to his office, and for the time he is necessarily employed therein, in doing and performing the several matters and things of a public nature, required by this or any other existing ordinance. And the said recording surveyor shall be entitled to receive at the rate of six dollars per day, for every day he shall be necessarily employed out of his office in making any survey or regulation, which may be required to carry into effect any ordinance or resolution of the select and common councils relating to the pavements or other public works; the amount due to be paid quarterly.

27. SECT. III. All regulations of heights, ascents and descents, water courses and sewers, not heretofore established and recorded in the surveyor's office, shall be fixed and determined upon by the mayor, recorder, and four or more of the aldermen of the city in conjunction with the surveyors or regulators, subject nevertheless to the revision and approbation of councils, in case of an appeal made to them by any person or persons who may think him or herself aggrieved by such regulation, provided the appeal be filed with the recording surveyor within twenty days after such regulation is made. And the said regulation when fixed and determined shall go into effect and be duly recorded accordingly.

28. SECT. IV. Any person or persons desirous of having any lot or piece of ground laid out and regulated within the city, shall make application or give notice thereof in writing to the recording surveyor previous to any regulation being made, and it shall be the duty of the person or persons making such survey or regulation to deliver a plat or diagram thereof with the boundaries and length of its lines noted thereon, and its distance from the nearest public street or alley, together with such direction, order or award as may be legally made concerning any such survey or regulation, into the office of the said recording surveyor, within thirty-two days after such survey or regulation shall have been made; excepting in cases of appeal, in which cases the same shall be delivered within ten days after the appeal shall be decided. And no survey or regulation shall be considered as complete and binding on the par-

ties interested therein, until return thereof has been made into the office of the recording surveyor as aforesaid.

29. SECT. V. If any person or persons shall begin to build upon any lot or piece of ground adjoining the line of any public street, lane, alley or court within the city, not having made application to the recording surveyor, and before the same shall have been laid out and regulated, in the manner herein described; or if they shall begin to build thereon and not conform to the said regulations when made, every such person, as well employer as master builder, shall for every such offence, forfeit and pay the sum of fifty dollars, to be recovered with costs by any person who will sue for the same, before the mayor or any alderman of the city, in the same manner as debts under one hundred dollars are recoverable, one moiety to the use of the person who shall sue for the same, and the other moiety for the use of the city. And the recording surveyor is hereby enjoined and required to take notice of all violations of this section, whenever they come to his knowledge.

30. SECT. VI. The width of the footways as fixed and agreed upon by the city regulators, in pursuance of an ordinance passed the first day of October, 1811, shall be conformed to in making the footways, and placing the curb-stones throughout all the streets, courts, lanes, alleys and public passages in the city; subject nevertheless to the revision and approbation of councils, in the manner pointed out respecting other regulations in the third section thereof.—[*Regulation altered; see Streets and Pavements, 14, 15.*]

31. SECT. VII. The recording surveyor from time to time shall enter and protract in the old draught books now in his office, all such information of the ownership and lines of lots within the city as may come to his knowledge, and be deemed useful for general information, and for the more convenient entry and examination of the same, he shall cause the said books to be rebound in volumes corresponding to the several divisions of the city, as the same are described in the ordinance to which this is a supplement.

NOTES.

The claim for a reimbursement of the moiety of the cost of a party wall, has been decided not to be a lien upon the land, but only a personal charge against the builder of the second house. *Ingles v. Bringham*. 1 Dallas, 341. *Hart v. Kucher*. 5 Serg. & R. 1.

No action will lie to recover the moiety of the cost of a party wall under the act of 1721, until the second house is actually begun. If it be begun, and a breach be made in the wall before payment, the first builder may maintain trespass, or, it seems, he may waive the trespass and bring assumpsit for money paid, laid out, &c. *Ingles v. Bringham*. 1 Dallas, 346.

The purchaser of the second house is not liable to the claim of the first builder, who has neglected or declined to insist upon the payment, before the wall was broken into. *Ibid*.

On payment of the moiety by the owner of the adjoining lot, to the first builder, the claim is satisfied, and a purchaser from the first builder cannot afterwards recover the amount when a second building is erected, although he has no notice of the payment, and no instrument acknowledging the payment has been put on record. *Hart v. Kucher*. 5 Serg. & R. 1.

Under the act of March 9, 1771, the regulation of a lot by the city regulators, from which no appeal has been made is conclusive, as to the foundations and party walls of buildings erected conformably thereto, but not as to the lines of that part of a lot in which there are no buildings. *Godshall v. Mariam*. 5 Binn. 352.

Swine.

ACTS OF ASSEMBLY.

Swine not to run at large,	1 Guardians of poor to have exclu-	
	sive right of taking up,	2

Act of 1705.

An act to prevent the running of swine at large.—1 Smith, p. 70.

1. SECT. IV. It shall not be lawful for any swine, hogs, shoats or pigs, to go at large in the towns of Philadelphia, Chester or Bristol, whether yoked and ringed or not; but if any such shall be found running at large, after the first day of the twelfth month next ensuing, such swine, hogs, shoats or pigs, shall be forfeit, one half to him or them that shall take up the same, and the other half to the use of the poor of the respective towns, to be paid to the overseer or overseers accordingly, to the use aforesaid; the said town of Bristol being all the space contained within half a mile square, from the mill creek, up the river Delaware.—[*See post* 2.]

Act of March 30, 1822.

A supplement to the act entitled "An act to prevent the running of swine at large."

2. SECT. I. From and after the passage of this act "The guardians of the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties," or the person or persons by them appointed for that purpose, shall have the exclusive right and privilege of taking up any swine, hogs, shoats or pigs running at large in the city of Philadelphia, and the swine, hogs, shoats, or pigs, so taken up, shall be disposed of for the sole use and benefit of the poor of said city, district and township.

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Ordinance of March 9, 1797.

An ordinance prescribing the duties of the collectors of taxes.

1. SECT. I. It shall be the duty of the collectors for the city of Philadelphia, after the duplicate lists of the taxes to be raised shall be delivered to them, forthwith to demand from the persons whose estate or persons may be assessed, or at their dwelling places, or in case of their absence, from their tenants, agents or representatives, the several sums in the said duplicates mentioned; and in case the same shall not be paid within three months after the duplicate lists of the taxes shall have been delivered to them as aforesaid, each collector shall present his duplicate to the mayor, or in case of his sickness or absence, to the recorder, and make oath or affirmation respectively before him, that he hath demanded in the manner aforesaid, the taxes assessed and mentioned in his duplicate; and he shall under oath or affirmation ascertain the names of the persons who may be delinquent and have not paid the sums so assessed upon them or their estates: whereupon the mayor, recorder or any three or more alderman shall add to each duplicate a warrant under their hands and seals, authorizing and requiring the said collectors, and every of them, forthwith to collect, levy and receive from the persons assessed as aforesaid, and who shall be delinquent in manner aforesaid, the sum of money mentioned in the said duplicate to be respectively assessed upon them or their estates; and the said collectors may call to their assistance any constable or constables or other persons, and in case of resistance may break open, in the day time, any house, trunk, box, chest, closet, or other fixture where the goods and chattels of any delinquents are supposed to be, and make distress and sale thereof, rendering the surplus, if any there be, to the owner after reasonable charges deducted, but if goods and chattels sufficient to satisfy the said taxes and charges can-

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not be found, then to levy the said assessment on the goods and chattels of the tenant in possession of the premises so assessed, and the delinquent shall be obliged to discount it to said tenant out of the first rent, that shall afterwards accrue from the premises, and if there be no such goods and chattels, then to take the body of such delinquent and him or her to bring before the mayor or any alderman, who shall inquire whether any and what sum is due from such delinquent for the said taxes, and thereupon shall award a warrant of commitment against the body of such delinquent for such sum as shall appear to him to be due for the said taxes, and such warrant shall be directed to the sheriff of the city and county of Philadelphia, who shall receive and detain the body of such delinquent in his goal, and him or her treat in all respects as a debtor under execution.—[*See post* 10.]

2. SECT. II. Each collector of the taxes, shall, under the penalty of forfeiting fifty dollars for each and every neglect, pay or cause to be paid to the treasurer of this corporation on the last day of every week, the whole amount of taxes collected by him during the week, exclusive of the commission or compensation allowed to him for collecting the same. And if any of the taxes mentioned in the duplicates aforesaid, shall not be collected and paid to the treasurer by said collectors, within nine months after the duplicate lists shall have been delivered to them as aforesaid, each and every of the collectors and his or their respective securities shall be answerable for the sums in their respective duplicates mentioned, unless the said collector shall make it appear to the satisfaction of the city commissioners, that the real estate taxed as aforesaid has been for all the time aforesaid unoccupied, and the owner thereof out of the city and county of Philadelphia, or the persons charged with personal taxes were not to be found, or were by poverty disabled to pay the same.

SECT. III. [Compensation and bonds of collectors; supplied *post* 15.]

Ordinance of May 22, 1797.

An ordinance providing for the appointment of city commissioners, and prescribing their duties.

3. SECT. XVI. The said commissioners shall make out and cause to be delivered in two fair copies, one of which shall be presented to the select, and one to the common council, [at their first meeting respectively in the month of December] in every year, a just and true account of all and singular their transactions and disbursements for the current year, including and designating the quantity of work and repair done, with a specification in detail of the expenses incurred for each object under their superintendence, so far as the same may be practicable, with an inventory of all the stock, utensils, materials and necessities of every kind, belonging to the city, which shall then be provided and remain on hand, and together with such account and inventory,

shall furnish an estimate of the several sums, which will be necessary to complete any work or transaction, begun and then unfinished. And the said commissioners shall calculate, make out and deliver, in like manner, to the select and common councils, at their first meeting respectively in the said month of December in every year, a statement of the monies which will probably be necessary for each distinct object under their superintendence, for the year succeeding, and when the said councils shall have determined what sums of money shall be raised for those purposes, the commissioners shall immediately assess the same, according to the last county assessment, upon the persons, and estates real and personal, within the city, and shall also cause duplicate lists of such assessments to be made out and delivered to [such proper persons as shall be willing to undertake the collection thereof, and who shall produce the best security for the faithful performance of their duty.] And the said commissioners, when such duplicate lists are returned, shall allow to the said collectors such reductions as they may judge right, for persons, charged with personal taxes, who are not to be found, or are unable to pay the same. And the said commissioners shall likewise render from time to time, such accounts, statements and information within their department, as may be required by any resolve of the select or common councils, and shall submit their books, accounts and vouchers, to the inspection of any committee or committees appointed for that purpose, by either of the said councils.—[*See City Commissioners 13, and post 14.*]

Ordinance of August 5, 1799.

4. **SECT. III.** For the efficient and seasonable collection of monies, necessary to be raised for the service of the city, and for the more effectually providing against neglects and other defaults therein, the city treasurer is authorized and required to inspect and examine from time to time, the duplicate lists of taxes, which shall have been or may be placed in the hands of any person or persons for collection, and if any such person or persons shall at any time be found delinquent in discharging the duties prescribed in the ordinance, intituled, "An ordinance prescribing the duties of the collectors of taxes," passed the ninth day of March, in the year one thousand seven hundred and ninety-seven, the treasurer shall forthwith give notice in writing of any such delinquency to the mayor or recorder, who shall give him written directions in what manner to proceed in the case or cases as the same may be, and the said treasurer on receipt of such directions shall immediately proceed accordingly.

Ordinance of March 26, 1806.

An ordinance to impose a tax on offices, posts of profit, professions, occupations, pleasurable carriages and horses.

Whereas, by the system of taxation established in the city of
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Philadelphia, an undue proportion of the public contribution is levied upon real estate; and whereas, it is just that the burthen of taxes should be as equally and impartially laid, as circumstances and the nature of the case will permit, and duly apportioned among the citizens, so that each should contribute to support the various objects of public police, in proportion to his ability, and the revenue which he enjoys under its protection - Therefore,

5. SECT. I. *Be it ordained and enacted. &c.* That immediately after the passing of this ordinance, the mayor be, and he is hereby authorised and required to appoint two citizens to be assessors for the wards in which they shall respectively reside, to do and perform the several duties required of them by this ordinance, and in case of a vacancy happening in the office of assessor, by death, resignation, refusal, or neglect to serve, or otherwise. the mayor be, and he is hereby authorized to supply such vacancy.

6. SECT. II. The said assessors, the city treasurer, and commissioners, before they enter on the duties required of them by this ordinance, shall severally take and subscribe before the mayor, or any alderman of the city, an oath or affirmation, diligently, faithfully and impartially to perform the several duties required of them by this ordinance, which oath or affirmation, signed by the officer before whom it is taken and subscribed, shall be filed in the mayor's office.

7. SECT. III. The city commissioners shall, on or before the second Monday of April next. issue their precepts to the respective ward assessors, requiring them to make out a just and perfect return, in alphabetical order or otherwise, as the commissioners shall direct, of the names of all taxable persons within their wards respectively, and of the property made taxable by the fourth section of this ordinance, within thirty days after the date of such precept, together with a just valuation of the same.

8. SECT. IV. The said assessors on receipt of precepts issued by the commissioners, agreeably to the third section of this ordinance, shall proceed to take an account of all the names and surnames, in alphabetical order or otherwise, as the commissioners shall direct, of all taxable inhabitants within their wards respectively, and of the following articles which are hereby made taxable, viz. coaches, chariots, coachees, phaetons with or without tops, curricles, gigs, riding chairs, chaises, and other pleasurable carriages, and horses, kept by any person for his or her own use, for the purpose of travelling or pleasure, and of all offices and posts of profit, trades, occupations, and professions, (ministers of the gospel of every denomination, and school-masters only excepted) and of all single freemen above the age of twenty-one years, who do not follow any occupation or calling. And when the said enumeration shall be made as aforesaid, the assessors, or a majority of them, and the commissioners, or a majority of them, together with the treasurer, shall meet at such time and place, as the commissioners

shall appoint, and to the best of their ability and judgment, rate all offices, posts of profit, professions, occupations, and callings of all freemen, at their discretion, having due regard to the emoluments of said offices and posts of profit, and to the profits arising from such professions, trades, and occupations, as well as to the amount of the taxes to be raised, and shall then and there equally and impartially assess every person ratable as aforesaid, according to the true intent and meaning of this ordinance; provided the rate for any office, post of profit, trade or occupation, or any single freeman who follows no occupation or calling, shall at no time exceed sixty dollars in any one year; and as soon as the said assessment is completed, and return thereof made to the commissioners, they shall cause written or printed notices to be given to each taxable inhabitant, of the amount of the sum he or she stands rated for, together with the amount of his or her tax, and the time when, and the place where an appeal will be held; which notices shall be given at least five days before such day of appeal, at which appeal the said treasurer and commissioners, or a majority of them, shall attend and hear all persons who shall apply for redress, and grant such relief as to them shall appear just and reasonable.

9. SECT. V. After the said appeal, the commissioners are hereby authorised and required to cause duplicate lists of the assessment to be made out, and to deliver the same, with their warrant for the collection thereof annexed, to such proper persons as shall be willing to undertake the same, and who shall produce the best security for the faithful performance of their duty; and it shall be the duty of the said collectors after they have received the duplicate lists of taxes aforesaid, forthwith to demand of and from the person in such duplicate named, or at their dwelling places, or in case of their absence, from their agents or representatives, the sum wherewith such person stands charged, and in case the same shall not be paid within two months after the duplicate list of taxes shall have been delivered to them as aforesaid, each collector is hereby authorized and required to levy and collect the said tax, in the manner the other city taxes are levied and collected, or at the option of the said collector, to report to the mayor, recorder, or any alderman, the name or names of all or any person or persons, who have not paid the sums assessed upon them, or their estates, whereupon the said mayor, recorder, or alderman, shall issue his warrant, under his hand and seal, directed to any constable, authorizing and requiring him to collect, levy, and receive, from the persons assessed, and who shall be delinquent in manner aforesaid, the sum of money mentioned in the said warrant, and to pay the same to the said collector, and the said collector and constable shall have the same power and authority by virtue of the warrant aforesaid, that the collectors of the city tax have, and possess, by virtue of an ordinance, entitled "An ordinance, prescribing the duties of the collectors of taxes," passed the ninth day of March, one thousand seven hundred and ninety-seven, and

for the collection of taxes hereby imposed, the said collectors shall execute and perform all and singular the duties required of the collectors of taxes by the ordinance aforesaid, under and subject to the penalties imposed by the same.

10. SECT. VI. If any of the said taxes shall not be collected, and paid to the treasurer by the collectors within nine months after the duplicate lists shall have been delivered to them, each and every of the collectors, and his or their respective securities shall be answerable for the sum in their respective duplicates mentioned, unless the said collectors shall make it appear to the satisfaction of the said commissioners, that the persons charged were not to be found, or were by poverty unable to pay the same.

11. SECT. VII. So much of the first section of the ordinance, entitled "An ordinance, prescribing the duties of the collectors of taxes," passed on the ninth day of March, in the year one thousand seven hundred and ninety-seven, as directs the collectors to make oath or affirmation before the mayor or recorder, of the names of delinquents previous to the warrant being issued to levy the taxes assessed, is hereby repealed, and the warrant directed by the said ordinance shall be issued by the city commissioners, and delivered to the respective collectors, with their duplicates.

12. SECT. VIII. The assessors shall receive the sum of two dollars per day, for their time employed in the service herein prescribed, and the collectors of the tax hereby imposed, shall be allowed such compensation for their trouble and service in collecting and paying the same over to the treasurer, as shall be agreed upon between the commissioners and them, and each of the said collectors shall, before he enters on the duties of his office, give bond in the manner prescribed by the third section of the ordinance aforesaid.

13. SECT. IX. For the more effectually providing against neglects and other defaults therein, the treasurer is authorized and required to inspect and examine, from time to time, the duplicate list of taxes aforesaid, which may be placed in the hands of any person or persons for collection, and if any such person or persons shall at any time be found delinquent in discharging the duties prescribed by this, or the ordinance hereinbefore mentioned, the treasurer shall forthwith give notice in writing to the mayor or recorder, who shall give him written directions in what manner to proceed in the case or cases, as the same may be, and the said treasurer, on receipt of such directions, shall immediately proceed accordingly.

SECT. X. So much of any ordinance as is repugnant to, or inconsistent with the provisions of this, and no further, is hereby repealed.—[*This ordinance was enforced only the first year after it was passed, but never having been repealed, it was conceived proper to insert it.*]

Ordinance of June 11, 1806.

14. SECT. V. It shall be the duty of every collector of city taxes, to return to the city commissioners the duplicates on which allowances of the taxes have been made, or which shall have been otherwise settled, and it shall be, nevertheless, incumbent on the city commissioners, to give a full discharge of such duplicate so settled, to furnish a certificate to the collector, specifying the names of such persons whose taxes have not been received with the amount respectively, and on which no allowance has been made, to enable the said collector to recover the same, it shall also be the duty of the collectors to return to the secretary of the watering committee, the duplicates with which they have been intrusted for the collection of the water-rents, as soon as they have collected and paid over to the city treasurer the amount of the same, and it shall be the duty of the said secretary to compare said receipts with the duplicate receipts, which have been kept by the city treasurer, and to give a full discharge to the collectors who shall have returned the duplicates, and to report the same to the watering committee.

Ordinance of April 2, 1811.

15. SECT. V. So much of the ordinance, entitled "An ordinance providing for the appointment of city commissioners, and prescribing their duties," as authorizes the city commissioners to appoint collectors of taxes, is hereby repealed.

Ordinance of May 3, 1821.

16. SECT. V. The persons who may be appointed by the mayor to collect the tax hereinbefore directed to be raised, and the water rents which may become payable in the present year, and the collectors thereafter to be appointed, shall be allowed such compensation for their services as he may deem reasonable, provided the whole amount of compensation so to be allowed, shall not exceed three per centum on the whole amount of tax and water rents which may be collected in every year. And the ordinance, entitled "An ordinance fixing the compensation of the collectors of taxes," passed August 13, 1812, is hereby repealed.

17. SECT. VI. The collectors of taxes and water rents shall, at the time of demanding or receiving any tax or water rent, produce the duplicate and list of water rents, containing the tax or rent so demanded or received, and immediately on the receipt thereof, in the presence of the person paying, write the word, "paid" therein opposite to the name or description of the person or estate by or for whom or which the tax or rent is paid: and every collector shall keep an exact list of all taxes and water rents by him received, during each week, showing in every instance the name or description of the person or estate, and the sum received from each, and shall deliver such list to the city treasurer, on the Saturday of every week, at the time of paying the receipts thereof to him, and in case any collector of taxes shall neglect to produce his duplicate and list, or

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to make an entry therein, or shall fail to keep or to deliver to the treasurer, a list of the taxes by him received as aforesaid, he shall forfeit and pay, for each such neglect, the sum of fifty dollars, to be recovered before the mayor, recorder, or any alderman of the city, one half thereof for the use of the corporation, and the other half for the use of the person informing and prosecuting for the same.

18. SECT. VII. Each of the collectors of the city taxes and water rents shall, before he enters upon the duties of his appointment, give a bond, with such sureties and penalty as shall be satisfactory to the mayor, and a warrant to confess a judgment thereon to the mayor, aldermen, and citizens of Philadelphia, conditioned that he will faithfully and diligently collect, and duly pay over to the city treasurer, agreeably to the provisions of the second section of an ordinance, entitled "An ordinance prescribing the duties of the collectors of taxes," passed the 9th of March, 1797, the taxes and water rents contained in the duplicates and lists to him to be delivered, excepting the allowances which shall be made thereon, and that he will not apply to any other purpose whatever any part of the income of the city, by him to be received, but faithfully perform all the duties prescribed by the ordinances of this corporation to collectors of taxes or water rents; and the third section of the said ordinance, except so far as it may apply to bonds already given, is hereby repealed.

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ACT OF ASSEMBLY.

Penalty on retailing liquor without licence,	1	Fines, &c. to whom to be estreated,	4
To whom penalties to inure,	2	Mayor's court to issue process on forfeited recognizances,	5
Constables to make returns of retailors,	3	To have power of remitting,	5
Their compensation,	3	Liability to county or poor rates not to disqualify witnesses, &c.	6

Act of January 27, 1819.

An act more effectually to prevent the selling of liquors by less measure than a quart, without licence, in the city or county of Philadelphia.

1. SECT. I. If any person or persons shall sell or retail within the city or county of Philadelphia, less than one quart of rum, wine, brandy, or other spirituous liquor, to be delivered at one time and to one or more than one person, without having first obtained licence agreeably to law for that purpose, he, she, or they, shall forfeit and pay for the first offence, on conviction before any court of competent jurisdiction, such fine, not exceeding fifty dollars, and for the second and every subsequent offence, such fine, not exceeding one hundred dollars, as the said court may in its discretion think proper to inflict, or if unable to pay the said penalty, shall be com-

ted to the prison of the said city and county for any time not exceeding one month.

• SECT. II. The said penalties shall inure to the guardians or overseers of the poor of the city and county, township or district, where such offence shall be committed.

• SECT. III. The court of quarter sessions of the county of Philadelphia, and the mayor's court for the city of Philadelphia respectively, shall have power to allow the constables attending the said courts, a reasonable compensation, to be paid by an order of court, drawn on the said guardians or overseers of the poor, out of the fines and penalties hereby directed to inure to the said guardians and overseers, not exceeding five dollars, at each session, for making a return of the retailers of liquors within their respective wards or townships, which return said constables are hereby required to make, under oath or affirmation, stating particularly the name and place of abode of each person so retailing; and on neglect to do, the said courts, on presentment of the grand jury of such neglect, are hereby authorized to fine said constables any sum not exceeding fifty dollars. And the said constables are hereby declared to be competent witnesses in all prosecutions under this act.

• SECT. IV. All fines, issues, amercements, forfeited recognizances and other forfeitures for the appearance of witnesses or defendants on prosecutions for tippling houses, which now are or hereafter shall be set or imposed, lost or forfeited in the courts of quarter sessions of the county of Philadelphia, or in "the mayor's court for the city of Philadelphia," shall by the respective clerks of the said courts, be certified and estreated to the guardians of the poor of the city of Philadelphia, the district of Southwark and township of the Northern Liberties, and to the overseers of the poor of the districts and townships respectively, where the defendant resides; within ten days after the expiration of the term at which such fines or forfeitures were imposed; together with all orders and judgments of the said courts respectively, on all forfeited recognizances, which escheat or returns of fines or forfeitures, shall be under oath or affirmation of the respective clerks. And so much of the act passed the twenty-fourth day of March, one thousand eight hundred and eighty-one, entitled "An act appropriating the monies arising from fines and forfeitures to county purposes," as is hereby supplied, is hereby repealed.

5. SECT. V. The mayor's court of the city of Philadelphia, shall have full power and authority to issue process on all recognizances whatsoever, now or hereafter forfeited in the said court, and to prosecute the same to final judgment and recovery, and to moderate and remit the same as effectually as the several courts of common pleas in this commonwealth now may or can do.

6. SECT. VI. No person whatsoever shall be excluded from being a witness, arbitrator, judge or juror in any prosecution under

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this act or any other penal act of assembly, by reason of his being subject to the payment of county rates and levies, or levies for the poor in the said city or county.

Treasurer.**ACT OF ASSEMBLY.**

Treasurer, how to be elected, 1

ORDINANCES.

Time of election,	1	To preserve countersigned duplicates of receipts,	7
To present annual rental,	2	To exhibit them to committee of accounts,	8
To give notice of delinquent tenants,	2	And to city commissioners,	9
How to keep his accounts,	3	Who are to compare them with originals,	9
In what bank,	3, 13	Penalty on treasurer for neglect,	10
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To account to his successor,	3	When to keep his office open,	15
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To examine tax lists and report delinquent collectors,	5		
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ACT OF ASSEMBLY.

Act of January 7, 1802.

An act altering the manner of electing a treasurer of the corporation of the city of Philadelphia.—3 Smith, 497.

1. **SECT. II.** From and after the passing of this act, the treasurer of the said corporation shall be appointed annually by the joint votes of the members of the select and common councils of the said city, in the same manner as the constitution of this commonwealth prescribes for the appointment of the state treasurer, and not otherwise, any law to the contrary notwithstanding.

ORDINANCES.

Ordinance of April 14, 1797.

An ordinance providing for the appointment of a treasurer of the corporation, prescribing his duties, and ascertaining his pay.

1. **SECT. I.** At a meeting of the select and common councils, [between the first and fourth Mondays in May next] and at some of their meetings between the first and third Mondays in January, and in January annually hereafter, a treasurer shall be elected [by concurrent resolutions of the select and common councils,] subject nevertheless to a removal at any intervening time at their pleasure, *provided nevertheless*, that the treasurer who shall be appointed

at the meeting to be held between the first and fourth Mondays in May next, shall not enter upon his office, or have any right therein, until the full expiration of the term for which the present treasurer is appointed.]—[*The treasurer to be elected by joint votes of councils, ante A. A. 1.*]

2. SECT. II. The treasurer for the time being, shall, on or before the first day of February in every year hereafter, cause and procure an exact rental to be made out, of all the real estate of the corporation, together with the names of the several tenants or occupiers thereof, the commencement and duration of their several terms, and the monthly, quarterly, or yearly rents reserved thereout, and shall enter one copy thereof into his books of account immediately preceding the accounts of the commencing year, and shall deliver one copy thereof to the mayor, and copies to the presidents of the select and common councils respectively, signed with his proper hand. And if any tenant or tenants, shall neglect or refuse to pay the said rent or rents respectively accrued for the space of thirty days after the same shall become due, the said treasurer shall give notice in writing, of such neglect or refusal, to the mayor or recorder, who shall give directions in writing to the said treasurer, in what manner he shall proceed for the recovery thereof, whether by distress or action, and the said treasurer shall immediately cause such steps to be taken as shall be so directed.

3. SECT. III. It shall be the duty of the treasurer for the time being, to demand and receive all the monies of the corporation from whatever sources they may arise or become due, taking care to keep the accounts of the money arising from the city estate, separate and distinct from that which shall be received for taxes, and not apply the money of one fund to discharge any claims which may be made upon the other, except by the special order of the select and common councils, and shall keep the same in the Bank of [North America] in his name, and subject to his draughts, as treasurer of the corporation; and he shall pay by checks out of the monies which now are, or hereafter shall be so deposited, the amount of all orders drawn upon him by the mayor of the city of Philadelphia, and shall take receipts for the same, and keep fair and just accounts thereof, in books to be provided for that purpose, and shall once at least in every three months, and oftener if required by the select and common councils, make out and deliver to the mayor a just and true account of all his receipts and payments, between each interval or period, and transmit copies thereof to the presidents of the select and common councils at their next stated meeting, which accounts shall contain a statement of the balances in his hands at the last and present rendering of the said accounts: and shall at all times submit his books, papers and accounts to the inspection of the mayor, or a joint committee of the select and common councils, and pay

over to his successor in office, all such balances, as, upon a final settlement of his accounts, shall be found to be and remain, in his hands, and at the same time deliver up to the mayor, for the use of the corporation, all his books of accounts and all official papers and vouchers, that may have come to his hands.—[*Treasurer to keep his accounts in the Bank of Pennsylvania, post 12. City clerk to countersign all orders on the treasurer; see City Clerk, 8.*]

4. SECT. IV. The treasurer hereafter to be elected, shall, before he enter on the duties of his office, become bound, with two sureties to be approved by select and common councils, to the mayor, aldermen and citizens of Philadelphia, in the penal sum of [sixteen thousand dollars] with condition, that if the said treasurer, do and shall well and faithfully execute the office of treasurer of the mayor, aldermen and citizens of Philadelphia, and do and shall perform all and singular the duties enjoined and required by an ordinance passed the fourteenth day of April, in the year one thousand seven hundred and ninety-seven, and in case the said treasurer shall die, during the continuance of his office or before the accounts thereof be finally closed, then if his executors or administrators do and shall well and truly settle the said accounts to the time of his death, and pay over to his successor in office, the balance which shall be found to have been in his hands, due to the corporation, and shall deliver up to the mayor for the use of the said corporation, all his books of accounts and all his official papers and vouchers that may have come into his hands, then the said obligation shall be void; otherwise to be and remain in full force and virtue.—[*See post 13.*]

Ordinance of August 5, 1799.

5. SECT. III. For the efficient and seasonable collection of monies, necessary to be raised for the service of the city, and for the more effectually providing against neglects and other defaults therein, the city treasurer is authorised and required to inspect and examine from time to time, the duplicate lists of taxes, which shall have been or may be placed in the hands of any person or persons for collection, and if any such person or persons shall at any time be found delinquent in discharging the duties prescribed in the ordinance, entitled “An ordinance prescribing the duties of the collectors of taxes,” passed the ninth day of March, in the year one thousand seven hundred and ninety-seven, the treasurer shall forthwith give notice in writing of any such delinquency to the mayor or recorder, who shall give him written directions in what manner to proceed in the case or cases as the same may be, and the said treasurer on receipt of such directions shall immediately proceed accordingly.

Ordinance of February 20, 1800.

6. SECT. VI. The city treasurer shall, at all reasonable times, render to the mayor and to the city commissioners, when by them

or either of them required, for their better information and government, statements of the sums paid and carried to the debit of the appropriated objects, and of the further amount which can be drawn for on account of the same

Ordinance of June 11, 1806.

An ordinance for the comptroll of monies, which are received into the city treasury, and for other purposes.

WHEREAS, no plan exists by which the credits of the accounts rendered by the city treasurer, can be checked; and whereas a system ought to be devised, to obtain a comptroll on all monies, which are paid into the treasury, by which a true state of the same may be easily acquired; and whereas it has been the practice of the collectors of the city tax, to withhold the duplicates which have been settled by the city commissioners.

7. SECT. I. *Be it ordained, &c.* That it shall be the duty of the city treasurer to provide, on or before the first day of July next, two receipt books, wherein he shall enter duplicates of all receipts, for money paid into the treasury: one for taxes generally, and for the water-rents; also, one for the city rentals, and other income of the city property. In the former of which books, he shall enter and subscribe such duplicate receipts, expressing the date, the sum, by whom, and from which duplicate of taxes, the payment has been made, and it shall be the duty of the collector to countersign the same, after he has examined and found that the said duplicate receipt, expresses correctly the sum paid, and for which he has obtained a receipt in his duplicate. In the other book, the treasurer shall in like manner, enter and sign such duplicate receipt, specifying the date, the sum, and by whom the same is paid, and on what account; and it shall be the duty of the person or persons, who have made payment into the treasury, to compare this receipt with the one he or they, have obtained, and to countersign said duplicate receipt, when found to be correct, whether the monies were paid by any of the clerks of the markets, occupiers of the city property, by the city commissioners, or by any other person whatsoever.

8. SECT. II. It shall be the duty of the city treasurer to exhibit said duplicate receipt books, of sums paid into the treasury, to the committee of accounts, whose duty it shall be, to check said receipts, with the credits given to the respective accounts, rendered quarterly by him, the last of which receipts, ending the quarter, shall be signed by the members of the committee, who have attended at the examination of said accounts.

9. SECT. III. It also shall be the duty of the city treasurer to exhibit said duplicate receipt books to the city commissioners, whenever called upon by them, for the purpose of settling any of the duplicates of the collectors, the accounts of the clerks of the markets, the occupiers of landings, or, of any other person respecting the

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accounts of the city property; and it shall be the duty of the city commissioners, to compare said receipt books, with the receipts which the party may have obtained from the city treasurer, on account of monies received by him, and in case any difference shall be found in the amount of any of the said receipts, it shall be the special duty of the said commissioners to make report thereof forthwith to councils.

10. **SECT. IV.** If the treasurer shall, through inattention, carelessness or otherwise, neglect to enter such duplicate receipt, or not have the same countersigned, as the first section of this ordinance enjoins, he shall forfeit and pay, for the use of this corporation, the sum of three hundred dollars for each and every such neglect.

SECT. V. [*See Taxes.*]

Ordinance of March 26, 1807.

[*For the other sections see Sinking Fund.*]

11. **SECT. V.** The treasurer of the city shall, once in every six months, and oftener, if required by the select and common councils, make out and deliver to the mayor, a full and exact account of his proceedings in the execution of the trust created by this ordinance, including a statement of his disbursements, and of the sum of the said stock, or funded debt, which he shall have from time to time purchased or redeemed, and specifying particularly the dates and prices at which, and the persons from whom the said purchases shall have been made, and shall transmit copies of the said account to the presidents of the select and common councils respectively.

Ordinance of December 12, 1811.

A supplement to the ordinance, entitled "An ordinance providing for the appointment of a treasurer of the corporation, prescribing his duties and ascertaining his pay."

12. **SECT. I.** From and after the second Monday of January next, the compensation to be allowed to the city treasurer, shall be at the rate of [two thousand five hundred dollars] per annum, payable quarterly in the same manner with the salaries of other officers of the corporation, which sum shall be in full for all services rendered by the said treasurer, and include all expenses incident to the office, excepting the requisite stationary, for which he shall be allowed to make an extra charge.—[*Salary reduced to 2000 dollars, post 15.*]

Ordinance of February 28, 1814.

An ordinance authorizing the city treasurer to close the account kept with the bank of North America, and to transfer the said account to the bank of Pennsylvania.

13. **SECT. I.** It shall be the duty of the city treasurer, after the passing of this ordinance, and without delay, to close the account

which is kept with the bank of North America, and immediately transfer the balance of said account which he shall have received from the bank, into the bank of Pennsylvania, opening an account with said bank in his name, as treasurer of the corporation, and in which he shall, henceforth, deposite all monies which shall be paid into the treasury, subject to his drafts as treasurer of said corporation, and for no other purposes whatsoever; and it shall be the duty of the treasurer for the time being, to have his bank book settled at the expiration of every quarter, and exhibit the same to the committee of accounts, whose duty it shall be to examine whether the respective balances of the bank book and the quarterly statement of the accounts rendered by the treasurer, agree with each other.

SECT. II. So much of the third section of the ordinance, entitled "An ordinance providing for the appointment of a treasurer of the corporation, prescribing his duties and ascertaining his pay," passed April 14, 1797, as relates to the keeping of the account of the treasurer with the bank of North America, is hereby repealed.

Ordinance of December 14, 1816.

A further supplement to the ordinance, entitled "An ordinance providing for the appointment of a treasurer, &c."

14. SECT. I. The sum in which the treasurer of the corporation shall be bound with his sureties, shall be forty thousand dollars; and every applicant for the appointment of treasurer of the corporation, shall with his application give the names of the sureties whom he will offer for the approbation of the councils.

Ordinance of December 24, 1818.

[For the other sections, see City Clerk and City Commissioners.]

15. SECT. VI. From and after the first day of January next, it shall be the duty of the treasurer and city clerk, to keep their respective offices open for the transaction of the business thereof, from nine o'clock in the forenoon till two o'clock in the afternoon of each and every day, Sundays, the Fourth of July, and Christmas day excepted.

Ordinance of December 16, 1819.

16. There shall be allowed to the officers hereinafter mentioned, the following annual compensation, to commence from the first day of January next, to be paid quarterly by orders drawn in the manner prescribed by law on the treasurer of this corporation.

To the city treasurer two thousand dollars.

[The rest of this section will be found under the proper titles.]

NOTE.—See *Funded Debt and Sinking Fund.*

ACT OF ASSEMBLY.

No oil, turpentine or varnish to be boiled, except in certain build- ings,	Forfeitures, how recovered and disposed of,
Search warrant,	1 This act may be given in evidence, -
	2 Treble costs,

Act of March 16, 1809.

An Act to prohibit the distilling and boiling of turpentine and oil, and the manufacturing of varnish, within the city of Philadelphia and its neighbourhood.—5 Smith, 29.

1. **SECT. I.** From and after the first day of May next, no person shall distil or boil any turpentine or oil, or manufacture or boil any varnish in any house, shop, cellar or other place to the eastward of Tenth street, in the city of Philadelphia, or within the district of Southwark, or within that part of the township of Moyamensing, situate between South street, Seventh street and the Passyunk road, or within the incorporated limits of the Northern Liberties, and including the village called Spring Garden, unless the said distilling, boiling or manufacturing be carried on in an open place, at least thirty feet distance from any building, vessel of commerce or other property which might be injured thereby, or in a completely fire-proof building, the sufficiency of which fire-proof shall be determined and agreed upon by at least five respectable master bricklayers of the said city, who shall certify the same under their hands, under the penalty of forfeiting the whole quantity of the articles so distilled, boiled or manufactured, together with the sum of two hundred dollars for every such offence.

2. **SECT. II.** Any alderman of the said city, or any justice of the peace in the district of Southwark, the township of the Northern Liberties, or the township of Moyamensing aforesaid, respectively, on information lodged and demand made by any person showing a reasonable cause on oath or affirmation, shall issue his warrant under his hand and seal, empowering any constable of the said city or district or proper township, to search any house, shop, cellar or other place within the limits aforesaid, where the said articles are alleged to be distilled, boiled or manufactured, and the said constable upon finding such distillery, boiling of oil or manufacture to be then going on, may seize and remove the said articles therefrom within the space of twenty-four hours, to some safe and convenient place, and therein detain the same until it be determined in the proper court whether the same be forfeited or not, by virtue of this act.

3. **SECT. III.** The penalties and forfeitures mentioned in this act may be recovered as debts of equal amount are by law recoverable, with costs of suit, the one moiety of which penalties and forfeitures shall go to the guardians of the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties, or to the overseers of the poor of the township of Moyamensing respectively, accordingly as the said seizure was made

within the said city or district, or either of the townships aforesaid, and the other moiety to the informer or prosecutor who shall sue for the same.

4. SECT. IV. If any suit or action be commenced and prosecuted against any person or persons for any thing done in pursuance of this act, every such person or persons may plead the general issue, and give this act and the special matter in evidence, and if a verdict shall pass for the defendant, or the plaintiff become nonsuit or discontinue his action, or if on demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover treble costs.

United States' Officers.

ACT OF ASSEMBLY.

Persons holding offices under the United States, disqualified from being mayor, recorder &c.	1	Offices declared incompatible, Penalty on violating this law,	2 3
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Act of February 12, 1802.

An act declaring the holding of offices or appointments under this State, incompatible with the holding or exercising offices or appointments under the United States.—3 Smith, 485.

WHEREAS, the eighth section of the second article of the constitution of this commonwealth, provides, that no person holding or exercising any office of profit or trust under the United States, shall at the same time hold or exercise any office in this state, which the Legislature thereof shall declare incompatible with offices or appointments under the United States: Therefore,

1. SECT. I. *Be it enacted, &c.* That every person who shall hold any office or appointment of profit or trust, under the government of the United States, whether a commissioned officer or otherwise, a subordinate officer or agent, who is, or shall be employed under the legislative, executive, or judiciary departments of the United States, and also every member of congress, is hereby declared to be incapable of holding or exercising, at the same time, the office or appointment of justice of the peace, mayor, recorder, burgess or alderman of any city, corporate town, or borough, resident physician of the Lazaretto, constable, judge, inspector or clerk of election, under this commonwealth.

2. SECT. II. The holding of any of the aforesaid offices or appointments under this state, is hereby declared to be incompatible with any office or appointment under the United States; and every such commission, office or appointment so holden under the government of this State, contrary to the true intent and meaning of this act, shall be, and the same is hereby declared to be null and void.

3. SECT. III. If any person, after the expiration of six months from the passing of this act, shall exercise any offices or appointments, the exercise of which is by this act declared to be incompatible, every person so offending shall, for every such offence, being thereof legally convicted in any court of record, forfeit and pay any sum not less than fifty nor more than five hundred dollars, at the discretion of the court; one moiety of the said forfeiture, to be paid to the overseers, guardians, or directors of the poor of the township, district, county or place, where such offence shall have been committed, to be applied to the support of the poor, and the other moiety thereof to the prosecutor, who shall sue for the same.

Vaccination.

ORDINANCES.

Two collectors of cases to be appointed,	1	His duties in vaccinating,	4, 5
Collectors to furnish lists of cases,	2	To keep and distribute matter	
Compensation of collectors,	3	gratis,	6
Vaccinating physician to be appointed,	4	Salary,	7

Ordinance of January 13, 1820.

A supplement to an ordinance, entitled "An ordinance providing for the gratuitous vaccination of persons in indigent circumstances."

1. SECT. I. The mayor is hereby authorized annually hereafter, in the month of January, to appoint two qualified persons, to one of whom shall be allotted that district of the city north of the centre of Market street, and to the other, that district south of the centre of said street, whose duty it shall be to call upon each and every family, resident within the said districts, and inquire of every such family, whether any, and if any, what members thereof may be liable to small pox disease, and if they find that any person or persons should be so liable, being in indigent circumstances and unable to defray the expense, to offer the gratuitous services of the corporation, to vaccinate such person or persons; and if the said offer be accepted, the said collectors of cases shall record the number of the house, the name of the street or alley, and the name or names of such persons in a book alphabetically arranged, to be provided and kept for that purpose.

2. SECT. II. Each collector of cases shall, at least once in each week make two fair transcripts of the names and residences of the persons entered in his book of original record, during that time; one of which copies shall be filed in the office of the city clerk, and the other furnished to the physician to be appointed in virtue of this ordinance.

3. **SECT. III.** For each and every case which shall be reported to the physician, and which shall be vaccinated by him, the collector who reported the case, shall receive the sum of ten cents; and before presenting their accounts for payment quarterly to the mayor, it shall be the duty of said collectors to have a certificate from the physician, that the cases therein charged were duly vaccinated by him; and also a certificate from the city clerk, that said cases have been duly filed in his office, and for the amount of the accounts thus certified, the mayor shall draw his warrant on the city treasurer, directing that the same be charged to the fund assigned by councils for that purpose.

4. **SECT. IV.** In the month of January, annually hereafter, the mayor is hereby authorized to appoint one respectable physician, who shall have had conferred on him the degree of Doctor of Medicine, in the University of Pennsylvania, whose duty it shall be, upon receiving the lists of cases furnished by the collectors, to vaccinate each and every person so reported to him, at their respective places of abode, and continue to visit every such patient as often as may be necessary, to enable him to ascertain whether the person or persons so vaccinated, have had and passed through the genuine vaccine disease.

5. **SECT. V.** The physician hereby provided to be appointed, shall keep a book, wherein he shall record the name, age and place of residence of every person he shall vaccinate—stating whether the patient has had the vaccine disease or not, with such other notes and observations as in his judgment it may be proper to preserve; and the said physician is hereby required and enjoined, at the expiration of every three months, calculating the commencement from and after the day of his appointment, to make a fair copy of the records made in his book during the term of each three months; and deposit the said transcript or copy for safe keeping, in the office of the city clerk: and it shall be the duty of the said clerk, annually, to publish a statement of the number of patients thus vaccinated in each district, with the name of the physician by whom they were vaccinated.

6. **SECT. VI.** It shall be the duty of the physician appointed in virtue of this ordinance, to preserve and keep constantly on hand, sufficient quantity of genuine vaccine scab or matter, which he shall distribute without fee or charge to every practising physician, or other person in whom confidence can be placed, applying for the same.

7. **SECT. VII.** In consideration of the services to be performed by the physician to be appointed for carrying the provisions of this ordinance into effect, he shall receive the sum of four hundred dollars per annum; and the mayor is hereby authorized and empowered to draw his warrant on the treasurer quarterly, in favour of said

physician, directing the same to be charged to such fund as corporations may apply for that purpose.

Vaults and Grates.

ACT OF ASSEMBLY.

Grates over Vaults, how to be constructed,	1	No Vaults to be dug without licence,	3
Tenants may deduct for repairs,	2		

Act of April 15, 1782.

[For the other sections of this act which are in force, see *Surveyors and Regulators, and Nuisances.*]

1. SECT. XIII. And whereas the grates in the public streets of the city of Philadelphia over vaults are become very dangerous by the manner of their constructions, and the owners neglecting to keep them in proper repair: For remedy whereof, *Be it enacted by the authority aforesaid*, That, within three calendar months after the passing of this act, every owner or owners of vaults, over which a grate or grates are placed, shall cause the said grate or grates to be made of good iron bars, of one inch square, if eighteen inches long, and so in proportion to the length of the bar, the said bar to be laid crossways of the street, and the space between the bars not to exceed one inch and a quarter of an inch; and the said grate or grates shall be fixed in a frame of stone, or good red cedar, the scantling of which to be at least six inches square for a bar of eighteen inches long, and so in proportion for the length of the bar, the frame to be laid solid on the wall of the opening of the said vault, and the upper side of the frame nearly level with the pavement, the wall of the opening, with the arch of the vault, and the grate or grates, always to be kept in good repair. And every owner, if a resident within the said city, or tenant of a non-resident owner, who has or may have vaults under any of the public streets, is hereby directed and enjoined to comply with the above regulations, under the penalty of thirty shillings, [to be paid to the commissioners for pitching, paving and cleansing the streets, and by them] to be applied towards making, amending and cleansing the same: And the [said commissioners] are hereby directed to make and amend such vaults or grates, which the owners neglect to repair agreeably to this act; out of the public money, and recover the expense thereof, with the forfeiture, of such resident owner, or tenant of such non-resident owner, respectively, as the case may require, in a summary way, as debts under five pounds are usually recovered.—[*Office of street commissioners abolished, and the power of providing for the performance of their duties vested in select and common councils, see Corporation, A. A. 25, 34, 48.*]

2. SECT. XIV. If any tenant of a non-resident owner shall make or repair the vault, grate or grates, agreeably to this act, it shall be allowed to him by the owner or landlord out of the rent then due, or thereafter to become due. *Provided nevertheless*. That any grate or grates, which may at present appear safe and substantial, in the judgment of any two or more of the justices of the peace for the city, with the said commissioners, or a majority of them, may be indulged therewith until they want repairing, or by said justices and commissioners ordered otherwise.—[*Office of justice of the peace for the city abolished, and their powers transferred to fifteen aldermen, see Corporation, A. A. 22, 6, 43.*]

3. SECT. XV. No person or persons shall hereafter dig, or cause to be dug, any vault or vaults under any of the streets of the said city, without first obtaining liberty of four of the justices of the peace for the city, with a majority of the regulators appointed by this act, who are hereby authorized to judge and determine on the necessity thereof, and the distance to be dug under any of the streets; provided the same does not exceed fifteen feet from the front wall of the dwelling, before which such vault is intended to be dug.

Wards and Elections.

ACT OF ASSEMBLY.

City divided into fourteen wards,	1	To have a window or door in ex-	
Two inspectors to be chosen for		clusion of any others,	2
each ward,	2	Time of opening the election,	2

Act of March 1, 1800.

An act for dividing the city of Philadelphia into Wards, and allowing an additional inspector to each of the said wards, and for other purposes.—3 Smith, 412.

WHEREAS, from the increased population of the city of Philadelphia, and the unequal division of the same into wards, great inconveniences have been experienced, not only in making assessments and collecting taxes, but also, in conducting the general elections for the said city: For remedy whereof,

1. SECT. I. *Be it enacted, &c.* From and after the passing of this act, the city of Philadelphia shall be divided into fourteen wards, in the manner following, viz. so much of the said city as shall be included within a line beginning at the river Delaware, thence by the northern boundary of the city to Fourth street, thence by the same to Sassafras street, thence by the same to the river Delaware, and thence by the said river to the northern boundary of the city, shall be one ward, to be henceforth called "*Upper Delaware Ward;*" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Sassafras street to Fourth

street, thence by the same to Mulberry street, thence by the same to the river Delaware, and thence by the said river to Sassafras street, shall be one ward, to be henceforth called "*Lower Delaware Ward;*" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Mulberry street to Fourth street, thence by the same to High street, thence by the same to the river Delaware, and thence by the said river to Mulberry street, shall be one ward, to be henceforth called "*High street Ward;*" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by High street to Fourth street, thence by the same to Chestnut street, thence by the same to the river Delaware, and thence by the said river to High street, shall be one ward, to be henceforth called "*Chestnut Ward;*" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Chestnut street to Fourth street, thence by the same to Walnut street, thence by the same to the river Delaware, and thence by the said river to Chestnut street, shall be one ward, to be henceforth called "*Walnut Ward;*" and so much of the said city as shall be included within a line, beginning at the river Delaware, thence by Walnut street to Fourth street, thence by the same to Spruce street, thence by the same to the river Delaware, and thence by the said river to Walnut street, shall be one ward, to be henceforth called "*Dock Ward;*" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Spruce street to Fourth street, thence by the same to the southern boundary of the city, thence by the said boundary to the river Delaware, and thence by the said river to Spruce street, shall be one ward, to be henceforth called "*New Market Ward;*" and so much of the said city as shall be included within a line beginning at Fourth street aforesaid, thence by the northern boundary of the city to the western boundary of the same, thence by the said western boundary to Sassafras street, thence by the same back to Fourth street, and thence by the same to the place of beginning, shall be one ward, to be henceforth called "*North Mulberry Ward;*" and so much of the said city as shall be included within a line beginning at Fourth street aforesaid, thence by Sassafras street, to the western boundary of the city, thence by the same to Mulberry street, thence by the same back to Fourth street, and thence by the same to the place of beginning, shall be one ward, to be henceforth called "*South Mulberry Ward;*" and so much of the said city as shall be included within a line beginning at Fourth street aforesaid, thence by Mulberry street to the western boundary of the city, thence by the same to High street, thence by the same back to Fourth street, and thence by the same to the place of beginning, shall be one ward, to be henceforth called "*North Ward;*" and so much of the said city as shall be included within a line beginning at Fourth street aforesaid, thence by High street to the western boundary of the city, thence by the same to

Chestnut street, thence by the same back to Fourth street, and thence by the same to the place of beginning, shall be one ward, to be henceforth called "*Middle Ward*;" and so much of the said city as shall be included within a line beginning at Fourth street aforesaid, thence by Chestnut street to the western boundary of the city, thence by the same to Walnut street, thence by the same back to Fourth street, and thence by the same to the place of beginning, shall be one ward, to be henceforth called "*South Ward*;" and so much of the said city as shall be included within a line beginning at Fourth street aforesaid, thence by Walnut street to the western boundary of the city, thence by the same to Spruce street, thence by the same back to Fourth street, and thence by the same to the place of beginning, shall be one ward, to be henceforth called "*Locust Ward*;" and so much of the said city as shall be included within a line beginning at Fourth street aforesaid, thence by Spruce street to the western boundary of the city, thence by the same to the southern boundary thereof, thence by the same back to Fourth street, and thence by the same to the place of beginning, shall be one ward, and to be henceforth called "*Cedar Ward*."

2. SECT. II. It shall henceforth be lawful for the electors of the aforesaid wards, under the same regulations that are prescribed by the act, entitled "An act to regulate the general elections of this commonwealth," to choose two inspectors of the general election for each and every of the said wards, and in conducting the said general elections, and receiving the votes at the same, the two inspectors for each ward shall occupy one window or door of the house where the election shall be holden, in exclusion of the inspector or inspectors of any other ward or place; and from and after the passing of this act, the general elections for the said city shall be opened between the hours of eight and ten in the forenoon, and shall continue, without interruption or adjournment, until the electors who shall come to the said election, shall have an opportunity to give in their votes, any thing in the said recited act to the contrary notwithstanding.

SECT. III. [Temporary.]

Watch.**ACT OF ASSEMBLY.**

Duty of the Watchmen, 1

ORDINANCES.

City commissioners to appoint watchmen,	2	One to be superintendant,	5
To employ four additional watchmen,	3	Mayor to appoint a captain and lieutenant of the watch,	1
To meet at the Centre Square engine house,	4	Their duties,	6
		Their salaries,	6

ACT OF ASSEMBLY.

Act of March 9, 1771.

An act for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia, and for other purposes therein mentioned.—1 Smith, 350.

SECT. I. [Among other things provided for the appointment of watchmen. Obsolete.]

SECT. II, III, IV, V. [Obsolete.]

1. SECT. VI. It shall and may be lawful to and for the said watchmen, or any of them, in the absence of the constables, and they are also hereby empowered and required in their several stations, during the time of their keeping watch and ward as aforesaid, to apprehend all night walkers, malefactors, rogues, vagabonds and disorderly persons, whom they shall find disturbing the public peace, or shall have cause to suspect of any evil design, and to carry the person or persons so apprehended, as soon as conveniently may be, before one or more justices of the peace of the said city, to be examined and dealt with according to law. And the watchmen, [so to be appointed as aforesaid,] shall be at their respective stands, [to be appointed as aforesaid,] and keep watch and ward at the hours and during the time hereinbefore mentioned, and shall observe, perform and execute all such matters and things, as by the rules, orders and regulations of [the mayor, recorder, aldermen and wardens aforesaid,] shall be from time to time enjoined them, upon and concerning the matters aforesaid, according to the directions of this act. And in case of any fire breaking out, or other great necessity, shall immediately alarm each other, and the inhabitants in their respective rounds; which when done, they shall repair to their respective stands, the better to discover any other fire that may happen, as well as to prevent any burglaries, robberies, felonies, breaches of the peace, outrages and disorders, and to apprehend any suspected persons, who, in such times of confusion, may be feloniously carrying off the goods and effects of others.—[The select and common councils vested with powers to direct the watching of the city, who have directed the city commissioners to appoint the watch.—See Corporation, A. A. 33, and post O. 2, 3.]

ORDINANCES.

Ordinance of March 9, 1797.

An ordinance prescribing the duties of the superintendant of the nightly watch.

1. SECT. I. It shall be the duty of the [superintendant] of the nightly watch, to take care of the oil, wick, and utensils belonging to the city, and render an account to the commissioners, monthly, of the quantities of every article received, expended, and remaining on hand; to take care that the watchmen perform their duty and report to the commissioners at their next meeting, all omission or breaches of duty in the said watchmen, to aid the watchmen in preventing murders, burglaries, robberies, and other outrages and disorders within the city, and to that end, he and they are hereby empowered and required to arrest and apprehend all persons whom they shall find disturbing the peace, or shall have cause to suspect of any unlawful and evil design, and shall take the person or persons who shall be so apprehended as soon as conveniently they may, before the mayor, or some alderman, to be examined and dealt with according to law; and the said [superintendant] shall once or oftener, at convenient times in every night, go or send some person or persons, to be employed by the commissioners and retained in their service, about the several wards of the city, to take notice whether the watchmen perform their duties in their several stations, according to the orders and regulations which are, or shall be made, and in case any watchman shall misbehave himself or neglect his duty, the said [superintendant] shall, as soon as conveniently may be, give notice thereof to the city commissioners or some one of them.—[*See post 5; a captain and lieutenant of the watch to be appointed.*]

2. SECT. VI. The said commissioners, shall [appoint a superintendant of the nightly watch, and] hire and employ a sufficient number of able-bodied men, to light and watch the city by night, at certain fixed monthly or other wages, and prescribe rules for their government, and dismiss them from office when they shall think proper, and the said commissioners shall purchase and provide oil, wick, and the other materials necessary for the supply of the public lamps, and shall take care that the city be properly and regularly lighted.—[*For the other sections of this ordinance, see City Commissioners.*]

Ordinance of March 3, 1814.

An ordinance for detaching part of the nightly watch to be stationed at the Centre Square engine house, and for other purposes.

3. SECT. I. Immediately after the passing of this ordinance, it shall be the duty of the city commissioners to employ four additional watchmen, who, together with such number of the watchmen as the city commissioners may direct, whose stands are most contiguous to the engine house, shall assemble there, at the usual hour prescribed for the general watch, one of the said number of watchmen to be superintendant, who shall be invested with the same

authority as the present superintendent exercises over the whole of the nightly watch, and to whom he shall at all times be subordinate, and to whom he shall every morning make a report of the nightly occurrences, and of the misbehaviour of his detachment; of which the general superintendent shall render an account to the city commissioners in like manner as prescribed by ordinances.

4. SECT. II. The watchmen so to assemble shall meet at the Centre Square engine house, in the south east recess of said building, under the direction of the superintendent of said watch, who shall have been selected by the city commissioners out of that number; and the said commissioners shall select one of said watchmen, who shall have the charge of Centre Square, and of the Market in Broad street, at certain monthly wages, and who shall be invested with the like authority as the watchman of Second street market, and whose duty it shall be, to attend in Centre Square, and at the Market house, every evening from sun-set until eleven o'clock, P. M., and on the first day of the week, commonly called Sunday, from sun-rise until eleven o'clock, P. M., for the purpose of taking up, securing and bringing before the mayor, or any of the aldermen of the city, every vagrant, riotous and disorderly person or persons, who may be found harbouring in or about said places, or any others who shall injure the trees, benches, ornaments or devices, placed in or about the Centre Square, to be dealt with as the law in such cases prescribes.

5. SECT. III. In the place of the present superintendent, the mayor shall appoint on the first Monday in January next, and on the same day of every year thereafter, and at such other times as vacancies may happen, two citizens of good moral character, one to be denominated the captain, the other lieutenant of the nightly watch, each of whom shall do and perform the several duties heretofore enjoined on the superintendent of the nightly watch, and also such other duties as the select and common councils may from time to time direct—for which services the captain shall receive [six hundred] dollars per annum, and the lieutenant the sum of [four hundred] dollars per annum, payable quarterly—And the said captain and lieutenant, or either of them, may at any time be removed from office by the mayor, on due proof being made to him of misconduct in office, or by a concurrent vote of the select and common councils, and others appointed agreeably to the provisions hereinbefore mentioned.—[Salaries of captain and lieutenant reduced, post 5.]

Ordinance of December 16, 1819.

An ordinance establishing the compensation of certain officers, and for other purposes.

6. SECT. I. There shall be allowed to the officers hereinafter mentioned, the following annual compensation, to commence from the first day of January next, to be paid quarterly, by orders drawn

in the manner prescribed by law, on the treasurer of this corporation.

To the captain of the nightly watch, five hundred dollars.

To the lieutenant of the nightly watch three hundred dollars.

And before the said captain and lieutenant of the nightly watch shall enter upon their duties, they shall respectively give bond and security to the mayor, aldermen, and citizens of Philadelphia, for the faithful performance of their duties and trusts. The captain in the sum of fifteen hundred dollars, and the lieutenant in the sum of one thousand dollars.—[*The remainder of this section will be found under the proper titles.*]

Water and Water Works.

ACTS OF ASSEMBLY.

Corporation permitted to use the streets of Penn township, for laying pipes,

1

ORDINANCES.

Water from conduits in streets to be free,	1	Notice of discontinuance of water,	11, 14
Application of profits from water,	2	Form & requisites of private pipes,	13
Penalty on injuring pipes or wasting water,	3, 26	Notices of removal, or sale of premises supplied with water,	16
Private common pipes, how kept in repair,	26	Stop-cocks to be affixed to branches, connected with private pipes,	17
Manufacturers not to use water from streets,	4	Duty of plumbers employed,	18
When fire plugs to be opened,	5	Openings over stop-cocks,	19
Penalty on introducing ferules without permits, or larger than permitted,	6	By whom hydrants to be used,	20
Superintendent to prevent and stop waste,	7, 25	Proceedings when breach of ordinances is apprehended,	21
To enter on premises to examine,	7	Separation of duties of city clerk and clerk of watering committee,	22
Constables and watchmen to prosecute offenders,	8	Watering committee may appoint a clerk,	23
Collection of water rents,	9, 12, 24,	Proceedings on delinquency in paying rents,	24
Mayor and watering committee, to conduct water-works,	10	Proceedings, when private pipes to be attached to iron mains,	27
Rents payable in advance,	11, 14, 15	Depth of private pipes,	28
And on what day,	14	Fines, how recovered and appropriated,	21, 29

ACTS OF ASSEMBLY.

Act of February 16, 1813.

An act granting certain privileges to the mayor, aldermen, and citizens of Philadelphia, in relation to the highways, streets, and roads of Penn township, in the county of Philadelphia.

1. SECT. I. From and after the passing of this act, it shall and may be lawful for the mayor, aldermen, and citizens of Philadelphia

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to make use of any of the public highways, streets, and roads of Penn township, in the county of Philadelphia, for the purpose of laying down (re-laying) and repairing of conduit pipes, and the usual and necessary devices connected with the same, for supplying the city of Philadelphia, and the adjoining districts, with water: *Provided always*, That the laying, re-laying, and repairing of the said conduit pipes, and the usual and necessary devices connected therewith, shall be done in such manner as not to obstruct the passage of the said highways, streets, or roads, and that all damage or injury which may ensue to the said highways, streets, or roads, from the exercise of the privilege hereby granted, shall be repaired by the said corporation at its own proper costs.

Act of March 16, 1820.

an act to authorize the corporation of the city of Philadelphia to regulate the ascents and descents of Callowhill street, in the township of Penn, and county of Philadelphia.

SECT. IV. In making such regulation of the ascent or descent of the said street, or in laying, re-laying, repairing or otherwise pipes of conduit, all damages which may be done to the said Callowhill street turnpike road, shall be forthwith made good, and substantially repaired by the mayor, aldermen and citizens of Philadelphia at their own proper cost, who shall also pay all the costs of making the survey, and if any obstruction or detriment to the crossing or re-crossing the Lancaster Schuylkill bridge, shall be occasioned by reason of, or on account of the aforesaid work, by interrupting the passage to or from the said bridge, the said mayor, aldermen and citizens, shall make a fair and full compensation for the same to the president, managers and company of the said Lancaster Schuylkill bridge.

ORDINANCES.

Ordinance of February 7, 1799.

An ordinance providing for the raising of a sum of money, on loan, for supplying the city of Philadelphia with wholesome water.

1. SECT. IV. So soon as a copious supply of water shall be introduced into the streets of the city, and be ready for distribution, under such general and equal regulations, as fitting to the occasion, may be hereafter established, it shall at the conduits emptying into the streets, be for the free use of all persons, [and every subscriber to the said capital shall be entitled, in the first instance, to a preference of supply to one dwelling house of each share so subscribed, to be taken from the street pipes or conduits, subject to the general regulation aforesaid, and shall enjoy the use and convenience of said supply for the full term of three years, free of any charge of water rent. *Obsolete.*]

2 SECT. V. All rents or other emoluments which may arise from the use and application of said water, shall, in the first instance, be applied for defraying the expenses of superintendence, and of re-

pairs and improvements of necessary works for the better accommodation and supply of the city with water; in the second instance, to the redemption of the aforesaid capital stock, and thereafter, for any further improvements to the city of Philadelphia, or in aid and alleviation of taxes on its inhabitants.

Ordinance of March 15, 1806.

A supplement to the ordinance for regulating the distribution of water in the city of Philadelphia.

3. SECT. I. If any person or persons, shall wilfully injure the pipes of conduit, the hydrants, pumps, or any other device connected with the pipes in the street, or open the same, so as to occasion a wanton, or wilful waste of the said water, or inconvenience, or damage to the citizens, or shall suffer the said water to flow unnecessarily, from his, her or their dwellings, or enclosures, or use the same except for culinary, or other necessary purposes, he, she or they so offending, shall forfeit and pay, for each and every offence, the sum of five dollars.

4. SECT. II. If any hatter, dyer, manufacturer, or any other person or persons, shall use the said water from the pumps, or hydrants, in the streets or alleys, for the purpose of soaking, or rinsing his, her or their manufactured, or other goods, he, she or they so offending, shall forfeit and pay for each and every such offence the sum of five dollars.

5. SECT. III. If any person entrusted with the spanners of the fire plugs, or others, shall open the same, on any occasion whatsoever, except at the request of the board of health, a member of the watering committee, or in case of fire in the neighbourhood, he, she or they so offending, shall forfeit and pay for each and every offence, the sum of five dollars, and if the person or persons entrusted with the spanners of the fire plugs, shall neglect or refuse to shut the same, as soon as the fire is extinguished, he or they shall forfeit and pay for such offence the like sum of five dollars.*

6. SECT. IV. If any plumber, or other person, shall, without a written or printed permit from the watering committee, introduce a ferrule into any public or private pipe, or form any connexion or communication whatever with said pipes, or break ground for that or any other similar purpose, in the public streets, or alleys, or if any person or persons shall introduce or use a ferrule, of a larger diameter than is specified in his, or their permits, he, she or they, so offending, shall forfeit and pay for each, and every such offence, the sum of twenty dollars, and for every day's continuance of the use of such pipe after conviction, the further sum of one dollar.

* The watering committee is a joint committee composed of four members from each council, appointed annually, to superintend the introduction of Schuylkill water into the city, under the provisions of the ordinances on that subject.

7. SECT. V. The superintendent of the water-works be, and is hereby authorized and required, to inquire at any dwelling or other place where any unnecessary waste of water proceeds, into the cause of such waste, and if he cannot discover and prevent the same, owing to opposition by the owner, or occupier of said dwelling or other place, he shall forthwith give notice to the mayor, or any of the aldermen, of the person in whose enclosure the said waste shall be discovered, that he, she or they so offending, may be dealt with as this ordinance provides: and he is hereby further authorized and empowered to examine any ferrule, or pipe, which may be suspected of being of a larger diameter than is specified in the permit, and if any person or persons shall refuse to suffer such examinations, or oppose or obstruct said officer in the execution of his duty, he, she or they so offending, shall forfeit and pay for each and every offence the sum of ten dollars.

8. SECT. VI. It shall be the special duty of the high constable, the city constables, and watchmen, diligently to inquire after, and prosecute the offences aforesaid, before the mayor, or any alderman, which shall be recovered with costs, one half to the use of the city, the other half to the use of the person who shall sue for the same.

9. SECT. VII. For the better collection of the water rents, the watering committee shall annually furnish the collectors of the city tax with lists of persons, who have obtained the use of the water, specifying the sums they are respectively bound to pay; and the said collectors are hereby empowered and directed, to collect and recover the same in like manner as the [county taxes] are levied and collected, and for so doing this shall be their warrant.—[*Rents to be collected as the city taxes, post 13.*]

Ordinance of April 1, 1809.

An ordinance for further regulating the distribution of Schuylkill water, collecting the rents thereof, and for other purposes therein mentioned.

10. SECT. I. The mayor of the city, and the members of the watering committee for the time being, are hereby vested with the powers necessary for conducting the water-works, purchasing materials and distributing the water; and for those purposes to employ such agents as they may deem proper. *Provided always*, that the contracts of said committee shall not exceed the amount of the monies which may from time to time be appropriated for the use of the works. And they are hereby required to make report to councils from time to time of their proceedings.

11. SECT. II. The annual rents for the use of the water shall be payable in advance, [on the first day of July, in each and every year] and those who may hereafter contract for a supply of said water, shall [on receiving the permit, pay the proportion of the annual rent agreed for, up to the first of July next ensuing, and] continue to pay said annual rent in advance, so long as the contracts shall exist. Any person intending to discontinue the use of the water shall give

notice thereof in writing to the secretary of the watering committee, one month before the expiration of the year for which such payment shall have been made, otherwise he shall be chargeable with and pay the rent for the year next ensuing.—[*Day of payment altered, post 14.*]

12. SECT. III. The collectors are hereby authorized and required, after the duplicate lists of the rents are delivered to them, forthwith to demand payment of the said rents, from the persons residing on the premises or owning the estate charged therewith, and to collect and receive the said rents in the same manner, as the city taxes are or may be collected.—[And they shall make report, in writing, of all delinquents to the city treasurer, on the first day of June in every year, who shall report the same in writing to the superintendant of the water-works, who is hereby enjoined to detach the ferrules of every such delinquent from the pipes of conduit, on the first day of July then next ensuing.—*Supplied, post 24.*]

13. SECT. IV. Any person or persons who may hereafter contract for a supply of the water, shall cause the pipe conducting the same, to be of sufficient strength, and shall also have a stop-cock affixed thereto, within the limits of the foot-pavement, at the distance of twelve inches from the gutter, to prevent accidents from the leakage of the said pipe. And all plumbers and other persons who may lay such pipes in future, are hereby enjoined to affix thereto, a sufficient stop-cock, under a penalty of ten dollars for every neglect thereof, one half to the use of the city, the other half to the use of the person who shall sue for the same: and all penalties which may be incurred, by virtue of this ordinance or of any other ordinance or ordinances regulating the use of the Schuylkill water and the distribution of the same, and also for the water-rent, and all arrearages thereof shall be sued for before the mayor or any alderman of the city, in the name of the mayor, aldermen and citizens of Philadelphia. And within sixty days from and after the first day of July next, all persons who have the water introduced into their premises, shall affix to the pipe a stop-cock as above directed, and on failure thereof, the committee of distribution shall direct the superintendant of the water-works to detach their ferrule from the pipe of conduit.

V. So much of the ordinance, entitled "An ordinance for regulating the distribution of the water in the city of Philadelphia," enacted on the seventh day of May, in the year of our Lord one thousand eight hundred and one, as appoints commissioners therein named, for the purpose of superintending the distribution of the water to be supplied by the steam-engines, also the fifth section and such other parts of said ordinance as are contrary to the provisions herein contained, are hereby repealed, annulled and made void.

Ordinance of April 28, 1814.

An ordinance altering the time of paying the water rents required to be paid in advance, and for other purposes.

14. SECT. I. From and after the thirty-first day of December, eighteen hundred and fifteen, the annual rent for the use of the Schuylkill water shall be payable in advance, in each and every year thereafter, so long as the contracts for the same shall exist; and all and every person or persons who after the thirty-first day of May next, may contract to be supplied with the said water, until the thirty-first day of December aforesaid, shall on receiving the permit, pay the rent in proportion to the time for which they may apply for the use of the water, up to the period aforesaid, and in like manner hereafter, after the thirtieth day of November, eighteen hundred and fifteen, and annually from the said day in every succeeding year, and such person or persons so paying up to the said time, as well as all others who shall or may hereafter contract to be supplied with the said water, who intend to discontinue the use thereof, shall give notice of their intentions, in writing, [to the city clerk,] one month before the expiration of the time for which they have contracted for a supply of the said water, and on their failure so to do, shall be chargeable with, and pay the whole rent for the year next ensuing in the manner before mentioned.—[So much of every ordinance as directs the duties of clerk, of the watering committee to be performed by the city clerk repealed, post 23.]

15. SECT. II. It shall be the duty of the [city clerk] to make out the next duplicates of the water rents, and therein charge the person or persons who have contracted for the said water, from the first day of July ensuing, to the thirty-first day of December, eighteen hundred and fifteen, and demand and receive from all other persons, who may contract for the use of the water, from and after the first day of June next, to the said thirty-first day of December aforesaid, a proportionable rent for the time they may so contract for the same, and to continue annually from and after the first day of December thereafter, to receive the said rents in advance, agreeably to the contracts to be made for the same.—[See post 22.]

16. SECT. III. [Supplied, post 24.]

16. SECT. IV. When any person or persons, who have contracted, or who may hereafter contract for a supply of said water, shall sell or remove from the premises so contracted to be supplied, all such person or persons, shall, on both or either events happening, and at the time they may so happen, give notice in writing to the [city clerk] of their removal from the said premises, or of the sale thereof, and insert in the said notice the name or names of the holders or occupiers of the said premises after them, and on their failure to give such notice, the person or persons in whose names the contracts for said water are entered in the register of water rents, shall be deemed and taken to be still parties to the said contracts,

and chargeable with the rents due and to become due for the same, and liable to be sued therefor.

SECT. V. So much of any ordinance or ordinances as is hereby altered and supplied, is hereby repealed.

Ordinance of May 21, 1818.

A further supplement to the ordinance for regulating the distribution of water in the city of Philadelphia.

17. SECT. I. Every person who on or after the first day of November next may be supplied with the Schuylkill water from a branch connected with a private pipe, shall have a sufficient stop-cock affixed to the said branch, as near as conveniently may be to the private pipe aforesaid, so as to stop the supply of water through the said branch when requisite, and not interrupt the supply to other persons having a right to use the pipe with which such connexion may be formed; and every person who may be supplied with water from a private pipe having a branch or branches connected therewith, as aforesaid, shall in like manner have a sufficient stop-cock affixed to such private pipe, above the said branch or branches, for the purpose aforesaid; and in case of neglect or refusal to have such sufficient stop-cock affixed as aforesaid, every person so offending shall forfeit and pay the sum of five dollars.

18. SECT. II. All plumbers, or other persons who may hereafter be employed to lay branch pipes, communications with private pipes, or private pipes having a branch or branches as aforesaid, or to alter or repair such branch pipes or private pipes as aforesaid, are hereby required and enjoined to affix to such branch pipes and private pipes sufficient stop-cocks with proper openings to the same walled up and covered as herein mentioned, under the penalty of ten dollars for every neglect thereof.

19. SECT. III. Over every stop-cock placed either within the limits of the foot-way, as directed by an existing ordinance, or in the manner specified in the last section of this ordinance, there shall be left an opening, at least three inches square, which shall be walled up with brick or stone, and securely covered with the same kind of material or with iron, in such a manner as that the situation of the said stop-cock may be readily distinguished, which covering if placed in any public street or alley, shall be even with the surrounding pavement; and if the owner or occupier of any building, lot of ground, or premises, into which the Schuylkill water may have been introduced, shall neglect to comply with this provision, or shall suffer such opening, if in any public street or alley, to remain uncovered, he, she, or they so offending, shall forfeit and pay for each offence the sum of three dollars.

20. SECT. IV. If any person, other than those who may be the actual occupiers of a building, lot of ground or premises, into or for the particular accommodation of which, according to the per-

Water and Water Works.

mit issued, the Schuylkill water may have been introduced by a private pipe to a hydrant or pump, shall resort to any such hydrant pump, and use the water therefrom, such person so offending shall be liable to forfeit, for each offence, the sum of two dollars; provided, that nothing contained in this section shall apply to any person who may have a permit for the building, lot of ground, or premises, occupied by him or her.

21. **SECT. V.** In case information shall be lodged with the mayor, of the actual or probable evasion or disregard of the provisions of any ordinances relating to the distribution of water, in any building, lot of ground, or premises into or through which pipes for conducting a supply of Schuylkill water may be laid, it shall and may be lawful for the high constables of the city, the superintendant of the water-works, and such other persons as may be lawfully empowered for the purpose by the mayor of the city, to enter at all reasonable times in such building, lot of ground, or premises, for the purpose of examining the pipes of conduit, and ascertaining whether the same, and the cocks or fixtures thereof, are in proper order and repair, and for cutting off the pipes of communication where delinquencies occur in the payment of the water rent; and any person who shall obstruct or oppose either of the officers aforesaid, or other person duly empowered as aforesaid, in making such examination, shall forfeit and pay for each offence the sum of twenty dollars.

SECT. VI. The foregoing fines shall be recoverable, as debts under one hundred dollars, with costs, for the use of the corporation of the city of Philadelphia.

Ordinance of January 25, 1821.

An ordinance repealing certain parts of "An ordinance establishing an office of city clerk, and for other purposes."

22. **SECT. I.** So much of an ordinance, passed on the 28th day of June, 1811, as directs the duties of clerk of the watering committee to be performed by the city clerk, and in the office of the city clerk, as well as any part or parts of any other ordinance, connecting the duties of clerk of the watering committee with the office of city clerk, is hereby repealed.

SECT. II. So much of the fourth section of said ordinance, or any other ordinance, as prescribes the meetings of the watering committee to be held in the office of the city clerk, and directs the deposit in said office of all the papers and records appertaining to the watering committee, and for the safe keeping of which the city clerk is at present held responsible, is hereby repealed.

SECT. III. So much of the fifth section of said ordinance, or of any other ordinance, as authorizes or directs any perquisite or payment to the city clerk, for the performance of any act or thing connected

with the duties of the watering committee, is hereby repealed.

23. SECT. IV. So much of the sixth section of said ordinance, or of any other ordinance, as precludes the watering committee from making the appointment of a clerk or clerks, for the proper management of the affairs entrusted to them, is hereby repealed.

Ordinance of December 13, 1821.

An ordinance for further regulating the distribution of the Schuylkill water, and for other purposes.

24. SECT. I. It shall be the duty of the collector of water rents, to report in writing to the register of the watering committee, on the first day of November, 1822, and on the first day of November in each succeeding year, all delinquents on their duplicates; and the said register shall immediately give notice in writing to such delinquents of the amount of rent due by them, and that unless the said rent, and the rent in advance for the ensuing year, shall be paid before the expiration of two weeks thereafter, they will be deprived of the use of the water, and that suit will be instituted for the rent due, as well as for the charges of detaching the ferrule from the pipe of conduit, and the expenses of repaving over the water pipe; and on failure of such delinquents to make the required payments, the register of the watering committee is hereby directed and enjoined to make two separate reports, in writing, on the first day of December, 1822, and on the first day of December in every succeeding year, one of which, containing the name and residence of each delinquent, shall be delivered to the superintendant of the water-works, and the other, containing the names, the rents and charges due by the said delinquents, shall be delivered to the solicitor, who, on receipt of the same, shall immediately cause suits to be instituted, to recover the sums so stated to be due; and when the same are recovered, he shall pay them over to the register of the watering committee: and the superintendant of the water works shall, on receiving the report aforesaid from the register of the watering committee, forthwith cause the ferrules of all such delinquents to be detached from the pipes of conduit.

25. SECT. II. The superintendant of the water-works, or any person acting under an order from the chairman of the watering committee, shall be, and is authorized and empowered to inquire at any dwelling, or other place, whence any unnecessary waste of water proceeds, into the cause of the same, and if the said waste proceed from want of repair in the pipes or other fixtures, and if the owner or occupier of such dwelling or place, shall neglect or refuse, upon notice being given, to have the necessary repairs made forthwith, the superintendant, or agent acting under the order of the chairman of the watering committee, shall be, and is authorized and empowered, to shut off the water leading to such place, or dwelling; and any person who shall let on the water, before the

necessary repairs are made, shall forfeit and pay the sum of five dollars.

26. SECT. III. If any person shall permit the Schuylkill water to flow unnecessarily from any part of a private pipe, or the fixtures thereof, on his or her premises, or the premises by him or her occupied, either within a building or enclosure, or any street, court, or alley, such person shall forfeit, for each offence, the sum of five dollars; and in all cases where several persons receive a supply of water by branches, hydrants, or other fixtures, uniting with a private common pipe, each and every person who may so receive the water, shall be bound to keep such common pipe in repair, and in case of waste by a leak or leaks therefrom, shall be severally liable for the penalty above inflicted, and if at any time it shall be necessary to repair a private pipe, within the limits of the cartway of any public street, court, or alley, a permit shall be first taken for so doing, and the expense of repaving paid in the usual manner, under the penalty of five dollars for neglect of this provision.

27. SECT. IV. Whenever an attachment of a private pipe is required to be made to the iron main, notice thereof shall be given to the superintendent of the water-works, one day at least previous to breaking the ground for that purpose; and the said superintendent shall provide and furnish a ferrule, of the size for which a permit has been granted, and shall appoint some person to shut off the water, to drill the opening into said iron main, and insert therein the said ferrule; and the sum of two dollars, as compensation for said ferrule and service, shall be paid to the register of the watering committee, before said service shall be performed. *Provided, nevertheless, that* the sum of two dollars, as a compensation for said ferrule and service, shall not be required from such persons whose ferrules have been, or shall be detached, in order to lay the iron main; and any plumber, or other person, not appointed as aforesaid, who shall drill or make any opening or insertion into the said iron main, shall be fined in the sum of twenty dollars.

28. SECT. V. All private pipes, conveying the Schuylkill water, shall hereafter be laid of the same depth as the public main in the street, from said main to the stop-cock of said private pipe on the footway, and every plumber, or other person employed in laying such private pipes, shall, for each neglect of the provision herein contained, be fined the sum of five dollars, and be liable for the expense incurred in taking up and re-laying said private pipe of the required depth.

29. SECT. VI. The fines aforesaid shall be recovered before the mayor, recorder, or any alderman, in the same manner as debts under one hundred dollars are by law recoverable, and so much of any ordinance or ordinances, as is hereby altered and supplied, is hereby repealed.

NOTE. The ordinance of March 29, 1799, imposing a tax for the purpose of providing the city with water, is valid. *Stiles v. Jones et al.* 3 Yeates, 491.

ACTS OF ASSEMBLY.

No fire to be kept on board of vessels after eight at night.	1	On breaming or burning vessels at wharves,	4
Mode of proceeding, in order to erect or extend wharves into the Delaware,	9	Penalties, &c. how recovered,	5
Penalty on proceeding otherwise,	10	Wardens to determine the extent of wharves on Schuylkill,	6
To be erected or extended within six months after licence,	2	Penalty on building such wharves without licence,	7
Penalty on obstructing free passage of wharves,	3	On erecting a fence beyond low water mark, without licence,	8

ACTS OF ASSEMBLY.

Act of August 26. 1721.

An act for preventing accidents that may happen by fire.—1 Smith, 129.

1. SECT. II. If any master, or other person whatsoever, shall suffer any fire to be kept (candle excepted,) after the hour of eight in the evening, on board any ship or other vessel, lying in any of the docks, or at any of the wharves aforesaid, or in the road before the said city, being convict thereof as aforesaid, shall, for every such offence, forfeit and pay the sum of ten shillings, for the uses aforesaid. *Provided always*, That it shall and may be lawful for the mayor of the city of Philadelphia, for the time being, by licence under his hand, to permit the master of any vessel, lying in the road of Philadelphia aforesaid, to use fire on board such ship or vessel after the hour of eight aforesaid, in case of sickness, or any other extraordinary occasion, any thing in this act to the contrary notwithstanding.

Act of March 29, 1803.

An act to establish a board of wardens for the port of Philadelphia, and for the regulation of pilots and pilotages and for other purposes therein mentioned.

2. SECT. XI. In all cases where any licence has been or shall be given by the board of wardens for the port of Philadelphia to erect any wharf, or building of the nature of a wharf, beyond low water mark of the river Delaware, the person to whom such licence has been or shall be so granted, shall within six months after the passing this act or date of said licence, erect such wharf or building, otherwise the said licence shall be of no effect.

3. SECT. XII. If any person shall erect, make, or fix or cause to be erected, made or fixed, on any wharf within the city of Philadelphia, any building, enclosure or other obstruction whereby a free passage over and along the same shall be impeded or prevented, every such person shall forfeit and pay for every such offence, any sum not exceeding one hundred dollars, to be recovered in the same manner and for the same uses as is directed in and by the thirty-sixth section of this act, and the said wardens shall cause such building, enclosure or obstruction to be abated or removed; if the owner

or occupier of any such wharf shall neglect, or refuse to remove or abate the same on three day's notice from the said board of wardens, *provided* that nothing hereinbefore contained, shall be taken or construed in any wise to prevent any such owner or occupier from depositing, during a reasonable time on any such wharf, goods, wares and merchandise unladen from or about to be shipped on board of any ship or vessel, or for the purpose of being stored, always allowing a sufficient passage for carts, wagons and drays, nor in any wise to hinder any person otherwise entitled so to do from erecting any building or enclosure on any part of such wharf lying to the westward of low water mark or tide way of the river Delaware.

4. SECT. XV. If any person or persons whosoever shall, from and after the passing of this act, burn or bream or cause to be burned or breamed any ship or vessel or any part thereof at or near any wharf or wharves between South and Vine streets in the said city, he or they so offending for every such offence shall forfeit and pay to the said master warden the sum of one hundred and fifty dollars, to be by him recovered and appropriated as other forfeitures herein mentioned, are recovered and appropriated by the thirty-sixth section of this act.

5. SECT. XXXVI. All forfeitures, penalties, sum or sums of money in this act mentioned, or accruing by virtue thereof, and not otherwise appropriated, shall be payable, sued for, recovered and applied in manner and form following: that is to say, all the said forfeitures, penalties, sum and sums of money, in and by this act, made payable to the master warden for the time being, shall be sued for, and recovered by the said master warden with costs of suit, before the mayor or any alderman of the city of Philadelphia, or before any justice of the peace of the county of Philadelphia, or any other county in this State, when the same shall not exceed the sum of twenty-six dollars and sixty-seven cents, in like manner as other debts under ten pounds are by the laws of this commonwealth recoverable, and subject to the like appeal, security, trial and costs, and that all such forfeitures, penalties, sum and sums of money as shall amount to more than twenty-six dollars, and sixty-seven cents, shall be sued for and recovered with costs of suit by action of debt, case, bill, plaint or information, in any court of record within this State.

Act of March 25, 1805.

An act for the better regulation of the city of Philadelphia and districts adjoining, and preserving the navigation of the river Schuylkill.

[For the other sections of this act, see *Streets and Pavements.*]

6. SECT. VII. The wardens of the port of Philadelphia, shall be authorized and empowered to fix and determine the extent or distance which any person or persons, or body or bodies, politic or corporate, who are the owner or owners of lots or ground extending

to the said river Schuylkill, on either of its shores, from the lower falls thereof to its junction with the river Delaware, may build wharves therein.

7. **SECT. VIII.** If any owner or owners of any lot or lots of ground extending into the river Schuylkill, from the lower falls thereof to its junction with the river Delaware, shall build any wharf, house, store or other building further into the said river than to common low water mark, without licence first had and obtained from the said wardens, or further into the said river than may be permitted by such license, he, she or they being legally convicted of the same, shall pay a fine of one thousand dollars, to be recovered with costs, as debts of the same amount are or may be by law recoverable; one half of which fine shall be paid to the guardians or overseers of the poor of the city, district or township where such wharf, or building shall be erected, and the other half to the person or persons who shall sue for and recover the same.

8. **SECT. IX.** If any person or persons shall erect or make any fence beyond the common low water mark into the said river, without licence first had and obtained from the said wardens, he, she or they being legally convicted of the same, shall, for every such offence, forfeit and pay a fine not exceeding twenty dollars; to be recovered with costs as debts of the same amount are or may be by law recoverable; one half of which fine shall be paid to the overseers or guardians of the poor of the city, district or township as aforesaid, and the other half to the person or persons who shall sue for and recover the same.

Act of February 7, 1818.

A supplement to an act, entitled "An act to establish a Board of Wardens, &c."

9. **SECT. I.** As often as any person or persons shall be desirous of erecting or extending any wharf, or building in the nature of a wharf, into the tide way of the river Delaware, from any part of the city of Philadelphia, the Northern Liberties, district of Southwark, or Sand Bar or Island in front of the said city, it shall be the duty of such person or persons to make application to the board of wardens, at any of their stated monthly meetings, or a meeting of the wardens convened for the purpose, stating in writing, the nature, extent and plan of such intended wharf, or building in the nature of a wharf, and show their title to the ground on which the said wharf or building is to be erected, or from which the said wharf or building is to be extended, to the said board of wardens; and if it shall appear to the said board or a majority of them, that such plan or design may be lawfully executed, and that the same will not improperly encroach on or injure the channel or harbour, the board of wardens, at any of their stated monthly meetings, or when

Wild Fowl.

expressly convened for the purpose aforesaid, shall give their licence in writing for erecting or extending such wharf or buildings, and cause the same to be recorded in their office; but, if the said board shall deem it unadvisable to grant such licence as aforesaid, and the applicant shall deem himself aggrieved by such their refusal, he may thereupon apply, by petition, to the court of quarter sessions of the county of Philadelphia, who shall immediately order the sheriff of the county of Philadelphia, to summon a jury of twelve freeholders, who shall, within six days thereafter, view the premises, and make report, upon oath or affirmation, to the said court, upon the propriety of granting the said licence, whereupon the said court, after hearing any objections that may be urged by the board of wardens, in case the report of the jury should be favourable to the said applicant, against the said report, shall adjudge the said report to be confirmed or set aside, which judgment shall be final and conclusive.

10. SECT. II. If any person or persons after the publication of this act, shall erect or extend any wharf, or building in the nature of a wharf, into the tide way of the river Delaware, contrary to the provisions of this act, he, she or they so offending, shall, upon conviction thereof, before the mayor's court of the city of Philadelphia, or the court of quarter sessions of the county of Philadelphia, forfeit and pay the sum of four thousand dollars, to the use of the said board of wardens, to be recovered in the same manner as other fines and forfeitures are recoverable by the act to which this is a supplement; and the said board of wardens may, upon conviction of the offender as aforesaid, cause the said wharf, or other building in the nature of a wharf, to be removed or abated; and if the expense of said removal or abatement shall exceed the fine and forfeiture affixed by the court, the excess thereof shall be recovered in a civil suit against the offender, before the district court of the city and county of Philadelphia.

SECT. III. So much of any act or acts as is or are inconsistent with the provisions of this act, are hereby repealed.

Wild Fowl.

ORDINANCE.

Certain wild fowl not to be offered for sale at particular seasons, 1

Ordinance of May 9, 1804.

An ordinance to prevent the sale of certain wild fowl at particular seasons of the year within the city of Philadelphia.

WHEREAS the killing of wild fowl at particular seasons of the year tends to deprive the market of that regular and wholesome supply of provisions which might otherwise be obtained; therefore

1. SECT. I. *Be it ordained and enacted, &c.* That from and after the twentieth day of June next, if any person or persons whatso

ever, shall at any time between the first day of March and the first day of September, in any year or at any place within the city of Philadelphia, offer or expose to sale any grouse, partridge or pheasant, or if any person or persons shall, at any time between the first day of March, and the first day of July, in any year, within the bounds and limits aforesaid, offer or expose to sale any woodcock, the person or persons so offending, shall forfeit such grouse, partridge, pheasant or woodcock, and that the respective clerks of the market and constables shall, and they are hereby authorized and required to seize and destroy such grouse, partridge, pheasant or woodcock, so offered or exposed to sale.—[See *Firing of Guns and Fire works, A. A. 2.*]

Wood, Corders and Wharfage.

ACT OF ASSEMBLY.

Dimensions of a cord	1	Corders not to purchase to sell again,	2
Length of wood and mean computation of the cord,	2	Penalties for violations.	3

ORDINANCES.

Stand for wood brought by land,	1, 26	Corders to account weekly,	9
Mayor to appoint inspector,	2	Treasurer to furnish monthly statement to the mayor,	9
His compensation,	2	Wood landed on private wharves,	10
Penalty on offering for sale, contrary to regulations,	3	Corders to sell wood,	11, 19
Inspector to purchase only for his own use,	4	Dimensions of wood, & cord,	5, 12, 23
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Fines, how recovered,	6, 17	Rates of wharfage & cordage,	13, 21
Mayor to appoint corders,	7	To be paid by sellers,	14
And a deputy at the draw-bridge,	7	Wharfage of crafts,	15
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Corders at the draw-bridge to attend to Pine and South street wharves,	8	Wood landed on private wharves on Schuylkill,	22, 24
		Penalty on corders not measuring,	25
		Penalty on opposing corder,	10, 27

ACT OF ASSEMBLY.

Act of March 10, 1817.

1. SECT. I. The standard dimensions of a cord of wood or bark for fuel, exposed to sale within the city and county of Philadelphia, shall be eight feet in length, four feet in breadth, and four feet in height, containing one hundred and twenty-eight feet, solid measure.

2. SECT. II. From and after the first day of September next, all cord wood brought to market within the city and county of Philadelphia, shall be at least four feet in length, including one half the kerf, and the cord shall be computed at the rate of eight feet in length, four feet in breadth, and four feet in height, well stowed and packed, the strait wood shall be placed or caused to be placed by all venders of cord wood compactly in the lower part of the pile, and the crooked wood in the upper part thereof, and a reasonable and fair allowance shall be made by all corders or venders of wood for the loss sustained by crooked and uneven

wood; nor shall any corder of wood purchase any wood for the purpose of selling the same again, by which sale he may derive a compensation or profit, and the same is hereby declared to be unlawful.

3. SECT. III. From and after the first day of September next, if any person shall expose to sale within the city and county of Philadelphia, any wood less than four feet in length, it shall be liable to be seized by any corder of wood and forfeited, one half to the use of the said corder, and the other to the guardians of the poor of the city, district or township in which it shall be seized; but in case the person exposing the wood for sale, shall deem himself aggrieved thereby, he may appeal to any alderman or justice of the peace of the city, district or township in which the seizure is made, who shall hear, try and determine the same; and if any person shall, within the said limits, sell as a cord of wood or bar for fuel, any quantity less than the standard measure prescribed by this act, unless the same shall have been previously measured by a corder, and is sold without any change since such measurement, he shall forfeit and pay the sum of ten dollars; and if any corder shall refuse or neglect to perform the duties enjoined on him by this act, he shall, for every such offence, forfeit and pay the sum of ten dollars; and if any corder shall purchase any wood for the purpose of selling it again, he shall forfeit and pay the sum of one hundred dollars, which several penalties and forfeitures may be recovered as debts of a similar amount are by law recoverable before any alderman or justice of the peace within the city, district or township in which the offence shall have been committed, and shall be one half for the use of the person prosecuting for them, and the other for the guardians of the poor of the said city, district and township.

ORDINANCES.

Ordinance of January 27, 1801.

An ordinance regulating the sale of cord-wood, hay, straw, and lime in the city of Philadelphia, and for other purposes.

1. SECT. I. From and after the first day of February next, all cord-wood brought by land into this city for sale shall be conducted to the [south side of High-street, between Delaware Eighth-street and the Centre-square, which is hereby declared to be a stand for the sale of wood,] and the carts, or other carriages containing the same, shall be ranged in a line, as near to each other as conveniently may be, with the horses facing the east and within two feet of the footway, leaving the passage of the cross streets uninterrupted.—[Place altered, post 26.]

2. SECT. II. The mayor shall appoint a person as inspector of wood, whose duty it shall be to measure and inspect all cord-wood brought to the said stand, immediately on its arrival, and to grant the owner or possessor of each load, a certificate, setting forth the quantity thereof and date of inspection; and for each and every load, so measured and inspected, the said inspector shall receive six cents from the seller, and no more; and, in the performance of this duty, he shall not remove the wood from the cart or other carriage in which it may be contained.

3. SECT. III. If, after the first day of February next, any per-

son bringing cord-wood by land into this city for sale, shall offer to sell it in any other place than the said stand, or before he has procured a certificate as aforesaid, or, having received such certificate, shall sell or otherwise dispose of a part or parcel of the load, or attempt to impose a false certificate in the sales thereof, or, when he hath made sale, shall not, on delivery of the wood, also deliver the certificate of it to the purchaser, he shall, for every such offence, forfeit and pay the sum of three dollars.

4. SECT. IV. If the inspector shall purchase any cord-wood other than for his own use, he shall forfeit and pay the sum of ten dollars for each and every such offence; and in order more effectually to enable the said inspector faithfully and diligently to discharge the duties by this ordinance enjoined on him, he shall have power with the consent of the mayor to appoint a deputy or deputies to assist him therein.

5. SECT. V. All cord-wood coming under the provisions of this ordinance, shall be at least four feet in length, and two inches in diameter at the smallest end, and the cord shall be computed at the rate of eight feet in length, four feet in breadth, and four in height, well stowed and packed, due and sufficient allowance being made for all crooked and uneven sticks.

6. SECT. XI. All fines and forfeitures arising under this ordinance, shall be recoverable with costs before the mayor, any alderman, or any court of competent jurisdiction, one half to the person prosecuting for the same, and the other half to the use of the city.

Ordinance of January 28, 1808.

An ordinance regulating the cording of wood, and the rates of wharfage for the same, the landing of other commodities on the public landing places within the city, and for other purposes therein mentioned.

7. SECT. I. The mayor is hereby authorized to appoint on the first Monday in January annually, and at such other times as vacancies may happen, one suitable person to be corder of wood and receiver of wharfage for each of the public landing places in the city (except those of Pine-street and South-street which are hereafter provided for) and also a deputy to the corder and receiver at the Drawbridge, if he shall think it necessary, each of whom shall give bond, with two sufficient sureties, to the satisfaction of the mayor, in the sum of fifteen hundred dollars, conditioned for the faithful performance of the duties enjoined upon him by this ordinance; and each of the said corders and receivers shall also take an oath or affirmation before the mayor, well and truly in all things to perform the duty of a corder of wood and receiver of wharfage, agreeably to this ordinance.—[See post 28.]

8. SECT. II. The corder and receiver of wharfage to be appointed as aforesaid for the Drawbridge, shall by himself or deputy attend to cording and receiving the wharfage of any wood, or other article that may be landed on Pine or South street wharves.

9. SECT. III. Each and every of the said corders and receivers shall pay into the treasury of the city, all the monies by him collected, weekly, that is to say, on the evening of every Friday, and also furnish an accurate list of the articles landed, and by whom, on

the wharves or landings over which he has superintendence, which were subject to wharfage, or cordage, or both, during the preceding week; and it shall be the duty of the treasurer of the corporation, once in every month, to furnish the mayor with a statement of the amount of monies paid in by the several corders, together with the original list aforesaid.

10. SECT. IV. Whenever any cord-wood shall be landed for sale at any private wharf or landing within the city, the corder who shall superintend the nearest public wharf thereto, is hereby enjoined and directed to inspect and measure the same, for which service he shall receive eight cents per cord for the benefit of the corporation, to be paid by the purchaser, and if any person shall prevent or oppose such corder in the execution of his duty herein, every such person shall for every such offence forfeit and pay the sum of twenty dollars.—[See note at the end of this title.]

11. SECT. V. It shall be the duty of each and every corder to take charge of and sell any cord-wood landed on the respective wharves over which he has superintendence, if thereunto required by the proprietor of the said wood or his agents: *Provided always*, That any such trust reposed in any such corder shall be at the risk of the proprietor, and that the said corder shall not take any compensation for such service, nor deduct from the proceeds of such sale more than the wharfage and cordage hereafter specified.—[See post 19 and 28.]

12. SECT. VI. The standard dimensions of a cord of wood or bark shall be eight feet in length, four feet in breadth, and four feet in height, but when and so often as it shall happen, that any wood brought to the public landing places, shall be under the average length of four feet, including one half the kerf, the same shall be received as cord-wood: *Provided always*, That such deficiency in length does not exceed two inches; and the corders respectively are hereby enjoined and required not to suffer any wood, the length of which shall not be at least three feet ten inches, including half the kerf, to be landed and sold as cord-wood; and whenever the average length of the wood shall fall short of four feet, including one half the kerf, and not be less than three feet ten inches, it shall be the duty of the corders respectively, and they are hereby enjoined and required to make an addition of six inches to the standard length of the cord; and the said corders shall make reasonable and fair allowance for the loss sustained by crooked wood; and shall also cause the straight wood to be placed compactly in the lower part of the pile, and the crooked wood on the upper part thereof.—[See ante A. A. 2.]

13. SECT. VII. The said collectors of wharfage and cordage shall demand and receive the following rates for the articles hereinafter enumerated, which shall be landed on any of the public wharves or landing places, that is to say,

For every cord of wood eight cents for wharfage, and six cents for cordage, the former to be paid by the seller, and the latter by the purchaser.

For every thousand feet of boards, plank or scantling sixteen cents.

For every wagon load of hay twenty cents, and for every cart load of hay ten cents.

For every cart load of sand six and an half cents; and shall also demand and receive for every flat or vessel, coming to either of the said wharves or landing places with any of the aforesaid articles fifty cents per day, for every day they shall lie at the said wharves or landing places, after the first twenty-four hours.

For every perch of stone put into a cart or other carriage out of a vessel, seven cents, if landed on the wharf, ten cents, and for every day it shall remain after the first twenty-four hours, ten cents per perch in addition to the first charge. [See post 22.]

For every hundred posts or rails, thirty cents, and ten cents additional per hundred for every day after the first twenty-four hours.

For every hundred cedar bolts, twenty-five cents.

For every hundred bundles of faggots, eight cents.

For every thousand of the following articles, viz.

Loose shingles, twenty cents.

Short shingles in bundles, five cents.

Pipe staves, thirty-three cents.

Hogshead staves, twenty-five cents,

Hogshead heading, barrel staves, hoop-poles and hoops, each twenty cents per thousand.

For every cart or wagon load of paving-stones, clay, bricks and coal, ten cents.

For every cart or wagon load of dung, ashes or other manure put into or taken out of a flat or other vessel, eight cents.

For every hundred bushels of wheat, or other grain, and salt, twenty cents, and shall likewise demand and receive for all other articles (not hereinbefore made chargeable with additional wharfage) which shall remain on any of the public wharves or landing places longer than forty-eight hours from their being first landed, fifty per centum above the rates hereinbefore established, for every twenty-four hours they shall lie there exceeding that time, except the article of cord-wood [which is hereby made chargeable, with fifteen cents per cord additional wharfage, to be paid by the owner for every day it shall continue upon the public wharves or landing places, after the first forty-eight hours.—Post 18.]

14. SECT. VIII. The several rates aforesaid (except as hereinbefore provided with respect to cord-wood) shall be paid by the sellers.

15. SECT. IX. All flats or other crafts (those loaded with boards, plank, scantling, hay or sand only excepted) lying longer than forty-eight hours at any of the public wharves or landing places, shall pay one dollar per day, for every day they shall exceed that time, unless prevented from removing by the inclemency of the weather.

16. SECT. X. Each and every of the said corders and collectors shall receive for his services, faithfully performed agreeably to this ordinance, the annual sum of [six hundred dollars,] and the deputy, if such should be appointed, [the sum of three hundred dollars,] to be paid in quarterly payments by warrants drawn by the mayor upon the treasurer of the corporation, and for any omission or neglect of any of the duties enjoined upon the said corders and collectors agreeably to this ordinance, they shall be subject to removal from office at the discretion of the mayor.—[Post 27.]

17. SECT. XI. The fines imposed by this ordinance may be sued for, before the mayor or any alderman in the name and recovered for the use of the corporation with full costs of suit.

SECT. XII. All ordinances heretofore passed, which may be in

any way contrary to, or are supplied by this present ordinance shall be, and the same are hereby repealed and made null and void.

Ordinance of February 25, 1808.

A supplement to an ordinance, entitled "An ordinance regulating the cord-
ing of wood, &c."

18. SECT. I. So much of the seventh section of the said ordinance, as relates to imposing "fifteen cents per cord additional warfage, to be paid by the owner, for every day it shall continue upon the public wharves or landing places, after the first forty-eight hours," is hereby repealed.

Ordinance of March 24, 1810.

A supplement to an ordinance, entitled "An ordinance regulating the cord-
ing of wood, &c."

19. SECT. I. It shall be the duty of each and every corder to take charge of and sell any cord-wood landed on the respective wharves over which he has superintendence, at the request of the proprietor of the said wood or his agents, if the said wood shall be piled in the manner specified by the ordinance passed on the twenty-eighth day of January, eighteen hundred and eight, to which this is a supplement, otherwise the corder may refuse to take charge of the same or any part thereof, and the said corder shall not take any compensation for such service, nor deduct from the proceeds of such sale more than the wharfage and cordage as specified in the aforesaid ordinance: *Provided always, nevertheless,* That any such trust reposed in any such corder shall be at the risk of the proprietor of the wood.

20. SECT. II. No crooked wood shall be placed in any other than the upper part of the pile; and any owner of the wood or shallopman who shall violate this provision and shall refuse to alter the same agreeably to the directions of the corder, shall forfeit and pay, exclusive of the allowances which the corders are enjoined to make for all crooked wood, the sum of ten dollars, to be recovered before the mayor or any of the aldermen, in the name of this corporation, one half for the use of the person who shall sue for the same, the other half for the benefit of the city.

21. SECT. III. The collectors of wharfage and cordage shall demand and receive the following rates for the articles hereinafter mentioned, which shall be landed on any of the public wharves or landing-places.

For every barrel six cents; for every larger cask nine cents; for every bag containing two bushels three cents; for every quintal of pig, bar, hollow, or other cast iron four cents.

22. SECT. IV. All cord-wood which shall be brought for sale or landed on any of the wharves on the river Schuylkill within the city of Philadelphia, shall be corded and measured by a person to be appointed by the mayor for that purpose, who shall make the proper allowances for losses sustained in the measure by crooked wood, and who in cording the same shall be governed by the ordinances now in force for regulating the cording of wood and the dimensions thereof; for which service the corder shall receive for his compensation the sum of six cents for each cord by him so corded and

measured, from the purchaser or from the person for whose account the wood shall have been landed; [and shall demand and receive for the use of the city, from the seller or agent of the wood, two cents for each cord so corded and measured; the proceeds of which the corder shall pay quarterly into the city treasury, and of which he shall render quarterly lists certified by him to the city treasurer,] and shall give bond with two sureties to the satisfaction of the mayor, in the sum of one thousand dollars, conditioned for the due performance of his trust and duties contained in the ordinance for the cording of wood, to which this is a supplement, and in this supplement: and for all cord-wood and other commodities which may and shall be landed at the public wharf adjoining to the basin on Schuylkill, the corder shall demand and receive from the seller and purchaser the same rates as are authorized hereby, or by the ordinance to which this is a supplement, for which services he shall be entitled to one-third of all the sums he shall so collect and receive, and no more; the other two-thirds shall be paid by him into the city treasury at each and every quarter, rendering an account of the same in the manner and form herein prescribed.—[*Post* 24.]

SECT. V. From and after the passing of this ordinance, so much of any ordinance now in force as is hereby altered or supplied, is hereby repealed and made null and void.

Ordinance of June 24, 1814.

SECT. II. For every shallop or other vessel-load of stone, landed at any of the public landings, the owner or agent of said shallop or other vessel shall pay to the corder, at the landing, the sum of one dollar per day and no more, and he shall, on the evening of every Friday, pay the same into the treasury.

Ordinance of April 25, 1816.

An ordinance to alter and amend the ordinance, entitled "An ordinance regulating the cording of wood, &c." passed the 28th day of January, 1808, and the supplement thereto.

23. SECT. I. Wood brought to the public landing places under the average length of four feet shall be received and sold as cord-wood; but in such case it shall be the duty of the corders respectively, and they are hereby enjoined and required to make such allowance as that each cord shall contain one hundred and twenty-eight cubic feet.—[*See ante*, A. A. 2.]

24. SECT. II. So much of the fourth section of the supplement aforesaid, as requires the corder appointed by the mayor on the river Schuylkill, to demand and receive, for the use of the city, from the seller or agent of the wood landed on private wharves, two cents for each cord of wood measured by him, is hereby repealed.

25. SECT. III. If any corder shall knowingly permit any cord-wood to be landed and sold on any of the public or private wharves within the limits of the city, without inspecting and measuring the same, he shall forfeit and pay for the use of the city, twenty dollars for each and every offence; and if any person shall prevent or oppose such corder in the execution of his duty herein, every such person shall for every such offence, forfeit and pay the sum of twenty dollars for the use of the city—the said penalties to be sued for and recovered before the mayor or any alderman of the city.

Ordinance of October 9, 1817.

An ordinance altering and amending an ordinance, entitled "An ordinance regulating the sale of cord-wood, &c."

26. SECT. I. So much of an ordinance, entitled "An ordinance regulating the sale of cord wood, hay, straw and lime in the city of Philadelphia, and for other purposes," passed the twenty-seventh day of January, one thousand eight hundred and one, as appropriates the south side of High-street between Delaware Eighth-street and the Centre-square, for a stand for the sale of cord wood brought into the city by land for sale, is hereby repealed, and the west side of Broad-street between Mulberry-street and the Centre-square is declared, instead thereof, to be a stand for the same purpose, under the restrictions and regulations prescribed by the ordinance hereby altered and amended.

Ordinance of December 16, 1819.

An ordinance establishing the compensation of certain officers, and for other purposes.

27. SECT. I. There shall be allowed to the officers hereinafter mentioned, the following annual compensation, to commence from the first day of January next, to be paid quarterly, by orders drawn in the manner prescribed by law, on the treasurer of the corporation.

To the principal corders on the Delaware river wharves, five hundred dollars each.

To the deputy corder at the Drawbridge wharf, three hundred and fifty dollars.

Ordinance of December 27, 1821.

A further supplement to an ordinance regulating the cording of wood, &c.

28. SECT. I. The corders hereafter to be appointed to the public wharves and landing places within the city, previous to entering upon the duties of their offices respectively, shall give bond to the mayor of the city, for the use of all persons who may be aggrieved in this behalf, with two sufficient sureties, to the satisfaction of the mayor, in the sum of two thousand dollars, conditioned for the faithful performance of their duties, in relation to all wood placed under their charge, agreeably to the fifth section of the ordinance to which this is a supplement, and the payment of all moneys that shall come into their hands for the sale of all cord wood, or other property, entrusted to them for sale, by any persons bringing the same to market, *provided*, That the corporation shall in no wise be liable, by reason of the duties hereby imposed on the corders, or the taking of said bonds.

SECT. II. From and after the passing of this ordinance, so much of any ordinance now in force, as is hereby altered or supplied, is hereby repealed and made null and void.

NOTES.

The ordinance of January 28, 1808, is superseded, as far as concerns private wharves or landings, by the act of March 10, 1817. Supreme Court, March Term, 1822.

The act of March 10, 1817, gives no right of entry on a private wharf or landing to the officer of the corporation, unless wood be there, which is the subject of seizure.—*Ibid*.

Wooden Buildings.

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ACT OF ASSEMBLY.

Erection of wooden buildings within the limits, prohibited, 1

ORDINANCES.

Erection of wooden buildings with-		Penalty on those employed on such	
in certain limits, prohibited,	1	buildings,	4
Penalty thereon,	2	Information to be given to mayor,	5
On not pulling down on conviction,	3		

ACT OF ASSEMBLY.

Act of April 18, 1795.

An act to authorize the corporation of the city of Philadelphia, to prevent the erecting of wooden buildings, in certain parts of the city of Philadelphia.—3 Smith, 246.

WHEREAS it has been represented to the legislature, that the danger from fire in the city of Philadelphia is considerably increased by the number of wooden buildings erected in the populous parts of the said city, and that the expense is greater of erecting wooden than brick or stone buildings; And, whereas it is the duty of the legislature to strengthen the security of property, whenever the same can be done without violating the rights of private persons:

1. SECT. I. *Be it therefore enacted, &c.* That the mayor, aldermen and common councilmen of the city of Philadelphia, in common council assembled, be, and they are hereby authorized and empowered to pass ordinances, to prevent any person or persons from erecting, or causing to be erected, any wooden mansion-house, shop, warehouse, store, carriage-house or stable, within such part of the city which lies to the eastward of Tenth street from the river Delaware, as they may judge proper.

ORDINANCE.

Ordinance of June 6, 1796.

An ordinance to prevent the erection of wooden buildings within certain limits in the city of Philadelphia.

WHEREAS the great number of wooden buildings in the city of Philadelphia render persons and estates of the inhabitants insecure, and greatly exposed to accidents from fire, and unless effectual measures are taken to prevent their being erected in future within the most populous parts thereof, there is reason to apprehend that, dangerous and fatal consequences may ensue therefrom. *And whereas,* the legislature of the state of Pennsylvania, by an act passed the eighteenth day of April, in the year of our Lord one thousand seven hundred and ninety-five, have authorized and empowered the mayor, aldermen and citizens of Philadelphia, in common council assembled, to pass ordinances to prevent the erection of such buildings within certain parts of the said city therein particularly mentioned

1. **SECT. I.** From and after the passing of this ordinance, no wooden mansion-house, shop, ware-house, store, or carriage-house, or stable, shall be erected or built within that part of the city of Philadelphia which is comprised within the limits hereinafter mentioned; *that is to say*, from the river Delaware to the east side of Sixth street, in those parts of the city included between the south side of Vine street, and the north side of Sassafras or Race street, and between the south side of Walnut street, the north side of South or Cedar street, and from the river Delaware to the east side of Tenth street, in that part of the city included between the south side of Race or Sassafras street, and the north side of Walnut street.

2. **SECT. II.** If, after the passing of this ordinance, any person or persons shall erect and build, or cause to be erected and built, any wooden mansion-house, shop, ware-house, store, carriage-house, or stable, upon any lot or piece of ground within those parts of the city herein above specified, and shall be duly convicted thereof, upon indictment found against him, her or them in the mayor's court of the city of Philadelphia, every such person or persons so offending and convicted, shall forfeit, and be sentenced and adjudged to pay a fine of five hundred dollars.

3. **SECT. III.** If the person or persons so convicted, shall not after such conviction pull down and remove, or cause to be pulled down and removed, such wooden mansion-house or other wooden building as is before described, he, she or they shall forfeit, and be sentenced and adjudged to pay a fine of one hundred dollars for every three months after such conviction during which the same shall remain and continue erected and built, being first duly convicted of such neglect or omission upon indictment found against him, her or them in the mayor's court for the city of Philadelphia, and every such wooden building is hereby declared to be a public and common nuisance.

4. **SECT. IV.** Each and every person and persons who shall be employed in the building or erecting any such wooden mansion-house or other building as is before described, being duly convicted thereof in the manner above mentioned, shall forfeit, and be sentenced and adjudged by the mayor's court, to pay a fine at the discretion of the said court, not exceeding one hundred dollars.

5. **SECT. V.** It shall be the duty of the city commissioners, the high constables, and the constables of the respective wards of the city of Philadelphia, and they are hereby strictly enjoined, and required, to give immediate information to the mayor, or one of the aldermen of the said city, of all offences which shall be committed in violation of this ordinance, in order that measures may be taken for the prosecution of offenders according to the direction hereof.

NOTE. The act of April 13, 1795, respecting the erection of wooden buildings, is constitutional. The ordinance founded thereon is good. *Res-publica v. Duquet*, 2 Yeates, 493.

APPENDIX.

The following ordinance was passed after the preceding pages were printed.

A further Supplement to certain Ordinances, providing for raising money on loan, for the use of the Water-Works.

SECT. 1. *Be it ordained and enacted by the citizens of Philadelphia in Select and Common Councils assembled,* That the Mayor of the city be and he hereby is authorized to borrow during the present year, the further sum of twenty-five thousand dollars under the provisions of an Ordinance passed on the seventeenth day of January, 1822, and a supplement thereto, passed the ninth day of May, 1822, in lieu of the like sum authorized by the provisions of the said Ordinances to be borrowed during the year 1823, any thing in said Ordinances or supplement to the contrary notwithstanding; passed October 24, 1822.

ORDINANCES

REPEALED, OBSOLETE, AND EXPIRED.

A. D.

1789. Chap. 1. An ordinance for ascertaining the duty and pay of the treasurer of the corporation; passed May 27th, 1789. Repealed April 14th, 1797.
2. An ordinance for vesting in commissioners certain powers for lighting, watching, paving and watering the city, and for raising monies to defray the expense thereof; passed May 30th, 1789. Repealed June 3d, 1791.
 3. An ordinance for the regulation of the market held in High-street in the city of Philadelphia; on the fourth and seventh days of the week, called Wednesdays and Saturdays; passed June 8th, 1789. Repealed March 29th, 1798.
 4. An ordinance for the regulation of the market held in Second street on the third and sixth days of the week, called Tuesdays and Fridays; passed August 17th, 1789. Repealed January 2d, 1800.
 5. An ordinance for the appointment of a high constable for the city of Philadelphia, and for ascertaining his duty and pay; passed September 14th, 1789. Repealed March 29th, 1798.

A

A. D.

1790.

10. An ordinance for regulating the cording of wood and packing of wharfrage for the same, and other commodities landed on the public landing places within the city, and for other purposes therein mentioned; passed November 8th, 1790. Repealed December 11th, 1806.

1791.

11. An ordinance to ascertain the rates and prices to be received by porters, carters, wagoners, draymen, wood-sawyers, and chimney-sweepers; passed February 28th, 1791. Repealed July 19th, 1798.

12. An ordinance for providing for the lighting, watching, watering, pitching, paving and cleansing the streets, lanes and alleys of the city of Philadelphia, and for other purposes therein mentioned; passed June 3d, 1791. Repealed and supplied May 22d, 1797.

1792.

13. A supplement to an ordinance, entitled, "An ordinance for the regulation of the drivers of carriages in and through the streets of the city of Philadelphia;" passed July 22d, 1792. Repealed April 16th, 1812.

14. A supplement to an ordinance, entitled "An ordinance for the regulation of the market held in High-street, in the city of Philadelphia, on the fourth and seventh days of the week, called Wednesdays and Saturdays;" passed November 26th, 1792. Repealed March 29th, 1798.

1793.

15. A supplement to an ordinance, entitled "An ordinance for the appointment of a high-constable for the city of Philadelphia, and for ascertaining his duty and pay;" passed July 1st, 1793. Expired.

1796.

17. An ordinance to increase the salaries of certain officers; passed June 6th, 1796. Repealed March 9th, 1797.

18. An ordinance making compensation to the present mayor of the city of Philadelphia; passed September 29th, 1796. Expired.

1797.

19. An ordinance for the appointment of city commissioners; passed February 28th, 1797. Expired.

22. An ordinance establishing the compensation of certain officers, passed March 9th. Repealed April 18th, 1815, and supplied.

23. An ordinance making appropriations for the year one thousand seven hundred and ninety-seven; passed April 6th, 1797. Obsolete.

25. An ordinance for raising the sum of fifty-six thousand dollars, for the service of the year one thousand seven hundred and ninety-seven; passed April 17th, 1797. Obsolete.

26. An ordinance providing for the appointment of a collector of tolls at the ferry on Schuylkill, and for other purposes therein mentioned; passed April 26th, 1797. Obsolete.

28. A supplement to an ordinance, entitled, "An ordinance providing for the appointment of a collector of tolls at the ferry on Schuylkill, and for other purposes therein mentioned;" passed May 22d, 1797. Obsolete.

29. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year, and for other purposes; passed September 26th, 1797. Obsolete.

1798.

32. An ordinance for raising supplies and making appropriations for the service of the year one thousand seven hundred and ninety-eight; passed May 19th, 1798. Obsolete.

33. An ordinance for regulating the sale of horses and cattle,

- in the city of Philadelphia; passed July 13th, 1798. Expired.
34. An ordinance to repeal and annul the ordinance, entitled "An ordinance to ascertain the rates and prices to be received by porters, carters, wagoners, draymen, wood-sawyers, and chimney-sweepers;" passed July 19th, 1798. Obsolete.
 35. An ordinance authorising the mayor to borrow ten thousand dollars in anticipation of the taxes of the present year, and for other purposes; passed August 20th, 1798. Obsolete.
 37. An ordinance for raising supplies, and making appropriations, for the services and exigencies of the city, for the year one thousand seven hundred and ninety-nine; passed March 29th, 1799. Obsolete.
 39. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year; passed September 3d, 1799. Obsolete.
 42. An ordinance making provision for the repair of the sewer, from Cedar street, to St. Peter's burial ground, and for other purposes; passed April 10th, 1800. Obsolete.
 43. An ordinance to continue an ordinance, entitled "An ordinance for regulating the sale of horses and cattle in the city of Philadelphia;" passed May 14th, 1800. Expired.
 44. An ordinance anticipating certain funds already appropriated for watering the city of Philadelphia; passed July 25th, 1800. Obsolete.
 46. Supplement to the ordinance for regulating the sale of cordwood, hay, straw, and lime, in the city of Philadelphia, and for other purposes; passed February 27th, 1801. Expired.
 47. An ordinance providing for the appointment of an attorney and solicitor for the corporation of the city of Philadelphia, passed February 27th. Repealed Dec. 28th, 1815.
 50. An ordinance for regulating the distribution of water in the city of Philadelphia, passed May 7th, 1801. Obsolete.
 51. A supplement to the ordinance, entitled "An ordinance providing for the raising of a sum of money, on loan, for supplying the city of Philadelphia with wholesome water;" passed May 22d, 1801. Obsolete.
 52. A supplement to an ordinance for regulating the distribution of water in the city of Philadelphia; passed May 22d, 1801. Repealed March 15th, 1806.
 54. A supplement to the ordinance, entitled "An ordinance for regulating the cording of wood, and paying of wharfage for the same, and other commodities landed on the public landing places within the city, and for other purposes therein mentioned;" passed October 8th, 1801. Repealed October 25th, 1802.
 55. An ordinance to suspend for a limited time, an ordinance, entitled "A supplement to the ordinance, entitled, an ordinance for regulating the cording of wood, and paying of wharfage for the same, and other commodities landed on the public landing places within the city, and for other purposes therein mentioned;" passed November 3d, 1801. Expired.
 56. An ordinance for raising supplies, and making appropria-

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- tions for the services of the city, for the year one thousand eight hundred and two; passed April 1st, 1802. Obsolete.
57. An ordinance for the construction of a culvert in Cedar street, and extending the public wharf at the end thereof, passed May 13th, 1802. Obsolete.
58. An ordinance further to suspend for a limited time an ordinance, entitled "A supplement to the ordinance, entitled an ordinance for regulating the cording of wood and paying of wharfrage for the same and other commodities landed on the public landing places within the city, and for other purposes therein mentioned; passed May 29th, 1802. Expired.
59. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year, and for other purposes; passed August 9th, 1802. Obsolete.
60. An ordinance authorising the mayor to borrow a further sum of money in anticipation of the taxes of the present year; passed September 23d, 1802. Obsolete.
61. An ordinance to repeal an ordinance, entitled "A supplement to the ordinance, entitled an ordinance for regulating the cording of wood, and paying the wharfrage for the same and other commodities landed on the public landing places within the city, and for other purposes therein mentioned;" passed October 25th, 1802. Obsolete.
62. An ordinance appropriating a sum not exceeding seven thousand dollars towards defraying the expense of cleansing the city, and of completing the brick culvert in Cedar street; passed November 16th, 1802. Obsolete.
1803. 63. A supplement to the ordinance, entitled "An ordinance providing for the raising of a sum of money, on loan, for supplying the city of Philadelphia with wholesome water;" passed April 20th, 1803. Obsolete.
64. A further supplement to the ordinance, entitled "An ordinance providing for the raising of a sum of money, on loan, for supplying the city of Philadelphia with wholesome water;" passed May 11th, 1803. Obsolete.
65. A supplement to the ordinance, entitled "An ordinance for the regulation of the market held in High street; passed June 8th, 1803. Repealed and supplied March 17th, 1808.
66. An ordinance for raising supplies, and making appropriations for the services of the city, for the year one thousand eight hundred and three; passed June 16th, 1803. Obsolete.
67. An ordinance to prevent injury to the water in the Schuylkill basin and canal, passed July 22d., 1803. Obsolete.
1804. 68. An ordinance for raising supplies and making appropriations for the services of the city, for the year one thousand eight hundred and four; passed April 11th, 1804. Obsolete.
73. A further supplement to an ordinance for regulating the distribution of water in the city of Philadelphia; passed May 30th, 1804. Repealed March 15th, 1806.
74. An ordinance authorising the mayor to borrow ten thousand dollars for the purpose of purchasing a water lot on the north side of Chestnut street; passed July 11th, 1804. Obsolete.
76. An ordinance authorising the city commissioners to ascer-

- tain the depth of water at the end of the wharf of each of the principal streets, and for other purposes, passed August 8th, 1804. Obsolete.
78. An ordinance providing for the raising of a sum of money on loan for supplying the city of Philadelphia with wholesome water; passed October 3d, 1805. Obsolete.
79. An ordinance for raising supplies and making appropriations for the services of the city, for the year one thousand eight hundred and five; passed March 13th, 1805. Obsolete.
81. An ordinance for the purpose of preserving the outer basin on Schuylkill, which supplies the city of Philadelphia with water; passed August 7th, 1805. Obsolete.
82. A supplement to an ordinance, entitled "An ordinance for the purpose of preserving the outer basin on Schuylkill, which supplies the city of Philadelphia with water;" passed September 9th, 1805. Obsolete.
83. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year; passed September 9th, 1805. Obsolete.
86. An ordinance to repeal part of an ordinance for the regulation of cord wood, passed on the eighth day of November, one thousand seven hundred and ninety; passed January 15th, 1806. Repealed December 11th, 1806.
87. An ordinance authorising a loan of sixteen hundred dollars, in anticipation of the taxes of the year one thousand eight hundred and six, for the purposes therein mentioned; passed February 5th, 1806. Obsolete.
90. An ordinance for raising supplies and making appropriations, as well for the common services of the city, for the year one thousand eight hundred and six, as for the more complete distribution of wholesome water; passed March 25th, 1806. Obsolete.
92. An ordinance providing for raising a sum of money on loan, for supplying the city of Philadelphia with wholesome water; passed March 26th, 1806. Obsolete.
94. An ordinance for regulating the cording of wood and the rates of wharfage for the same, the landing of other commodities on the public landing places within the city, and for other purposes therein mentioned; passed December 11th, 1806. Repealed and supplied January 28th, 1808.
95. A supplement to the ordinance for the regulation of the market held in Second street; passed January 8th, 1807. Supplied March 7th, 1809.
96. A supplement to the ordinance, entitled "An ordinance for regulating the cording of wood, and the rates of wharfage for the same, the landing of other commodities on the public landing places within the city, and for other purposes therein mentioned;" passed January 22d, 1807. Expired.
98. An ordinance for raising supplies and making appropriations for the services of the city, for the year 1807, passed March 26th, 1807. Obsolete.
99. A supplement to an ordinance, entitled "An ordinance for regulating the cording of wood, and the rates of wharfage for the same, the landing of other commodities on the public landing places within the city, and for other pur-

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- poses therein mentioned," passed March 26th, 1807. Repealed January 28th, 1808.
102. An ordinance for extending for a limited time the ordinance entitled "An ordinance for regulating the cording of wood, and the rates of wharfage for the same, the landing of other commodities on the public landing places within the city, and for other purposes therein mentioned," passed the eleventh day of December, one thousand eight hundred and six; and also the supplement to said ordinance, passed on the twenty-second day of January, one thousand eight hundred and seven; passed December 28th, 1807. Repealed January 28th, 1808.
1808. 104. An ordinance for raising supplies, and making appropriations for the services of the city, for the year one thousand eight hundred and eight; passed February 11th, 1808. Obsolete.
106. An ordinance for extending and regulating the fish market in High street, passed March 17th, 1808. Obsolete.
107. An ordinance to increase the salaries of the city commissioners, passed March 24th, 1808. Obsolete.
108. An ordinance for the enumeration of the inhabitants of Philadelphia, passed April 14th, 1808. Obsolete.
109. An ordinance authorising the mayor to borrow a sum of money for the purpose therein mentioned; passed April 21st, 1808. Obsolete.
110. A supplement to an ordinance, passed April twenty-first, one thousand eight hundred and eight, authorising the mayor to borrow a sum of money, for the improvement of High street; passed October 6th, 1808. Obsolete.
111. A supplement to an ordinance, entitled "An ordinance for the reduction and payment of the funded debt of the city; passed November 24th, 1808. Obsolete.
1809. 117. An ordinance authorising the mayor to borrow the sum of seven thousand five hundred dollars, in anticipation of the taxes of the present year; passed August 31st, 1809. Obsolete.
1810. 122. An ordinance for increasing the salary of the deputy cor-der of wood at the Drawbridge; passed April 17th, 1810. Obsolete.
123. An ordinance for raising supplies and making appropriations for the services of the city, for the year one thousand eight hundred and ten; passed April 17th, 1810. Obsolete.
126. An ordinance for constructing a culvert or sewer in Ninth-street, to extend from Spruce to Walnut street; passed June 14th, 1810. Obsolete.
127. An ordinance authorising the managers of the Pennsylvania hospital to construct a culvert; passed July 16th, 1810. Obsolete.
129. An ordinance to authorise the mayor to borrow a sum of money for the purposes therein mentioned; passed August 14th, 1810. Obsolete.
130. An ordinance to authorise the mayor to borrow the sum of ten thousand dollars, in anticipation of the taxes of the present year; passed September 29th, 1810. Obsolete.
131. An ordinance to authorise the mayor to borrow a sum of

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- money to complete the sewer in Ninth-street; passed September 29th, 1810. Obsolete.
1811. 134. An ordinance for constructing a culvert, commencing on the south side of Vine street and extending along Sixth street into Pegg's run; passed February 28th, 1811. Obsolete.
135. An ordinance to increase the salaries of the clerks of the High street market; passed March 28th, 1811. Obsolete.
138. An ordinance establishing regulations concerning dogs; passed April 25th, 1811. Obsolete.
139. An ordinance authorising the mayor to borrow a sum of money in anticipation of the taxes of the present year; passed May 1st, 1811. Obsolete.
140. An ordinance exempting from assessment and taxation certain lots of ground within the city of Philadelphia, devoted to public and charitable purposes, passed May 9th, 1811. Repealed December 9th, 1813.
141. An ordinance for the extension and improvement of the public landing at the Drawbridge, passed June 13th, 1811. Obsolete.
144. An ordinance authorising the mayor to borrow a sum of money; passed June 29th, 1811. Obsolete.
145. An ordinance authorising the city commissioners to lease the public wharf at Pine street, on the river Delaware, passed August 2d, 1811. Obsolete.
146. An ordinance granting aid to fire hose and engine companies in the city; passed August 2d, 1811. Obsolete.
147. An ordinance providing for the improvement of the State-house Yard, in the city of Philadelphia; passed August 8th, 1811. Obsolete.
148. An ordinance granting to Ludowick and George Laws the privilege of making an opening into the common sewer in Cedar street; passed September 26th, 1811. Obsolete.
149. An ordinance repealing part of an ordinance, entitled "An ordinance for the extension and improvement of the public landing at the Drawbridge;" passed September 26th, 1811. Obsolete.
150. An ordinance authorising the mayor of the city to borrow a sum of money for the purposes therein mentioned; passed October 1st, 1811. Obsolete.
152. An ordinance making further appropriation for the services of the city for the year one thousand eight hundred and eleven; passed December 5th, 1811. Obsolete.
1812. 156. An ordinance for raising supplies and making appropriations for the service of the city for the year one thousand eight hundred and twelve; passed April 14th, 1812. Obsolete.
158. An ordinance for the further improvement of the State-house Yard in the city of Philadelphia; passed April 23d, 1812. Obsolete.
159. An ordinance suspending for a limited time the ordinance, entitled "An ordinance for the regulation of the owners and drivers of hackney-coaches, wagons, carts and drays, within the city of Philadelphia; passed May 30th, 1812. Obsolete.
161. An ordinance to prevent the interment of deceased persons in the public squares of the city of Philadelphia, and for other purposes; passed June 18th, 1812. Repealed January 20th, 1813.

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162. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year; passed July 27th, 1812. Obsolete.
163. An ordinance empowering the mayor of the city to raise money to be applied to the construction of works at Fair Mount, for supplying the city with water; passed August 13th, 1812. Obsolete.
164. An ordinance fixing the compensation of the collectors of taxes; passed August 13th, 1812. Repealed May 3d, 1821.
165. An ordinance authorising the mayor to borrow a certain sum of money for the purposes therein mentioned; passed October 8, 1812. Obsolete.
166. An ordinance supplementary to an ordinance, entitled "An ordinance providing for the appointment of city commissioners and prescribing their duties; passed December 26th, 1812. Obsolete.
1813. 167. An ordinance for the repeal of an ordinance, entitled "An ordinance to prevent the interment of deceased persons in the public square of the city of Philadelphia, and for other purposes;" passed January 20th, 1813. Obsolete.
168. An ordinance to borrow a sum of money to aid in the defence of the bay and river Delaware; passed May 8, 1813. Obsolete.
169. An ordinance for raising supplies and making appropriations for the service of the city for the year one thousand eight hundred and thirteen; passed May 11th, 1813. Obs.
172. An ordinance authorising the mayor to borrow twenty thousand dollars, and to loan the same to the United States for the erection of forts and batteries on the island in the river Delaware, commonly called the Pea Patch; passed June 23d, 1813. Obsolete.
173. An ordinance for continuing the culvert in Walnut street to Tenth street, and thence along Tenth street to George street; passed June 23d, 1813. Obsolete.
174. An ordinance authorising the borrowing ten thousand dollars in anticipation of the taxes of the present year; passed September 30th, 1813. Obsolete.
175. An ordinance authorising the mayor to borrow a sum of money for the purposes therein mentioned; passed October 7, 1813. Obsolete.
176. An ordinance repealing an ordinance exempting from assessment and taxation, certain lots of ground within the city of Philadelphia, devoted to public and charitable purposes; passed December 9th, 1813. Obsolete.
177. A supplement to an ordinance, entitled "An ordinance for the regulation of the market held in High street; passed December 23d, 1813. Repealed April 21st, 1814.
1814. 182. An ordinance for raising supplies and making appropriations for the services of the city, for the year one thousand eight hundred and fourteen; passed April 14th, 1814. Obsolete.
188. An ordinance authorising the mayor to borrow the sum of of fifteen thousand dollars, in anticipation of the taxes of the present year; passed August 6, 1814. Obsolete.
190. An ordinance authorising the mayor to borrow money for the purposes therein mentioned; passed August 27, 1814. Obsolete.

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191. A supplement to an ordinance, entitled "An ordinance empowering the mayor of the city to raise money to be applied to the construction of the works at Fair Mount, for supplying the city with water; passed August 27, 1814. Obsolete.
192. An ordinance directing the city treasurer to transfer parts of certain items in the appropriations of the present year September 16, 1814. Obsolete.
1815. 197. An ordinance for the repeal of certain sections in the ordinances for the regulation of the markets, held in High and Second streets; passed March 9th, 1815. Obsolete.
199. An ordinance authorising the guardians of the poor of the city of Philadelphia, the district of Southwark and township of the Northern Liberties, to construct a culvert; passed April 6th, 1815. Obsolete.
201. An ordinance to suspend for a limited time part of the ordinance, entitled "An ordinance to alter and amend an ordinance, entitled an ordinance for the regulation of the owners and drivers of hackney coaches, wagons, carts, and drays within the city of Philadelphia, and also for other purposes; passed April 27th, 1815. Expired.
202. An ordinance for raising supplies and making appropriations for the services of the city, for the year one thousand eight hundred and fifteen; passed May 8th, 1815. Obsolete.
203. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year; passed June 15th, 1815. Obsolete.
204. An ordinance for inclosing the North-East Public Square, and improving the same; passed September 14th, 1815. Obsolete.
205. An ordinance for the construction of a culvert in the South-East Public Square; passed September 14th, 1815. Obsol.
207. An ordinance directing the transfer of certain parts of the appropriation for the current year to the credit of the works at Fair Mount; passed October 6th, 1815. Obsolete.
210. An ordinance repealing the ordinance, entitled "An ordinance providing for the appointment of an attorney and solicitor for the corporation of the city of Philadelphia;" passed December 28th, 1815. Obsolete.
1816. 212. A further supplement to the ordinance, entitled "An ordinance empowering the mayor of the city to raise money to be applied to the construction of the works at Fair Mount, for supplying the city with water; passed February 29th, 1816. Obsolete.
215. An ordinance for raising supplies and making appropriations for the service of the city for the year one thousand eight hundred and nineteen; passed March 19th, 1816. Obsolete.
219. A supplement to the ordinance, entitled "An ordinance establishing the compensation of certain officers;" passed May 16th. Repealed December 6th, 1816.
221. An ordinance providing for the gratuitous vaccination of persons in indigent circumstances; passed May 31st, 1816. Repealed 13th January, 1820.

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222. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year; passed June 13th, 1816. Obsolete.
223. An ordinance for constructing a culvert, commencing on the south side of Vine street, and extending along Tenth street into Pegg's run; passed August 8th, 1816. Obsolete.
224. An ordinance authorising the mayor to borrow the sum of ten thousand dollars, in anticipation of the taxes of the present year; passed August 8th, 1816. Obsolete.
1817. 230. An ordinance authorising the city commissioners to lease the public wharf on South street to a Steam-Boat Company; passed April 10, 1817. Obsolete.
231. An ordinance for raising supplies and making appropriations for the service of the city, for the year one thousand eight hundred and seventeen; passed April 24, 1817. Obsolete.
232. An ordinance to increase the salary of the recorder of the city of Philadelphia; passed May 8, 1817. Repealed December 16, 1819.
233. An ordinance amending an ordinance, entitled "An ordinance for raising supplies and making appropriations for the service of the city, for the year one thousand eight hundred and seventeen;" passed May 29, 1817. Obsolete.
234. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year; passed June 12, 1817. Obsolete.
235. An ordinance providing for the construction of a culvert in Tenth street and Spruce street; passed July 14, 1817. Obsolete.
239. An ordinance authorising the city commissioners to lease Pine street wharf, and for other purposes; passed October 9, 1817. Obsolete.
242. An ordinance to repeal part of an ordinance, entitled "An ordinance for the better regulation of the landing of sand at the Drawbridge, and stone at the public landings; passed the 24th day of June, 1814;" passed December 23, 1817. Obsolete.
244. A supplement to the ordinance, entitled "An ordinance for the appointment of city commissioners and prescribing their duties," and to the ordinance, entitled "An ordinance establishing the office of city clerk, and for other purposes;" passed December 29, 1817. Obsolete.
1818. 247. An ordinance providing for arching over part of the dock at the Drawbridge; passed March 4, 1818. Obsolete.
248. A further supplement to the ordinance providing for the appointment of city commissioners and prescribing their duties; passed March 9, 1818. Repealed February 23, 1821.
249. A further supplement to the ordinance, entitled "An ordinance for the appointment of city commissioners and prescribing their duties," and to the ordinance, entitled "An ordinance establishing the office of city clerk and for other purposes;" passed March 26, 1818. Obsolete.
250. An ordinance for raising supplies and making appropriations for the service of the city, for the year one thousand eight hundred and eighteen; passed March 26, 1818. Obsolete.

253. An ordinance to authorise a subscription to the stock of the Schuylkill Navigation Company; passed June 11th, 1818. Obsolete.
254. A further supplement to the ordinance, entitled "An ordinance for the appointment of city commissioners, and prescribing their duties;" and to the ordinance, entitled "An ordinance establishing the office of city clerk, and for other purposes; passed September 14, 1818. Obsolete.
256. An ordinance authorising the leasing of certain property described therein; passed September 24, 1818. Obsolete.
263. An ordinance for raising supplies and making appropriations for the service of the city, for the year one thousand eight hundred and nineteen; passed April 22, 1819. Obsolete.
267. An ordinance authorising the construction of a culvert in Sixth and High street; passed August 12, 1819. Obsolete.
268. An ordinance authorising the construction of a culvert, to commence in Race street west of Seventh street, and running thence diagonally across the north-east public square; passed August 12, 1819. Obsolete.
273. An ordinance authorising the mayor of the city to borrow a sum of money, and for other purposes; passed January 13, 1820. Obsolete.
275. An ordinance authorising the city commissioners to lease the south-west public square, and to improve the same; passed April 13, 1820. Temporary.
277. An ordinance for raising supplies and making appropriations for the service of the city, for the year one thousand eight hundred and twenty; passed April 15, 1820. Obsol.
279. A supplement to the ordinance, entitled "An ordinance authorising the construction of a culvert in Sixth and High streets;" passed June 8, 1820. Obsolete.
281. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year; passed August 3, 1820. Obsolete.
- . An ordinance for constructing a culvert commencing on the west side of Delaware Sixth street, and extending along Walnut street to the intersection of the culvert in Dock street; passed April 13, 1821. Obsolete.
297. An ordinance authorising the mayor to borrow money in anticipation of the taxes of the present year; passed July 12, 1821. Obsolete.
299. A supplement to the ordinance, entitled "An ordinance authorising the construction of a culvert to commence in Race street west of Seventh street, and running thence diagonally across the public square;" passed September 4, 1821. Obsolete.

A LIST OF ALL THE MAYORS AND RECORDERS,

From the first incorporation of the city of Philadelphia.

<i>Mayors.</i>		<i>Recorders.</i>	
1701 }	Edward Shippen.	1701 }	
1702 }		1702 }	Thomas Story.
1703 }	Anthony Morris.	1703 }	
1704 }	Griffith Jones.	1704 }	
1705 }	Joseph Wilcocks.	1705 }	David Lloyd.
1706 }	Nathan Stanbury.	1706 }	
1707-8 }	Thomas Masters.	1707-8 }	
1708 }		1708 }	
1709 }	Richard Hill.	1709 }	
1710 }	William Carter.	1710 }	
1711 }	Samuel Preston.	1711 }	
1712 }	Jonathan Dickenson.	1712 }	
1713 }	George Roch.	1713 }	
1714 }		1714 }	
1715 }	Richard Hill.	1715 }	
1716 }		1716 }	Robert Asheton.
1717 }		1717 }	
1718 }	Jonathan Dickenson.	1718 }	
1719 }		1719 }	
1720 }	William Fishbourne.	1720 }	
1721 }		1721 }	
1722 }	James Logan.	1722 }	
1723 }	Clement Plumsted.	1723 }	
1724 }	Isaac Norris.	1724 }	
1725 }	William Hudson.	1725 }	
1726-7 }	Charles Read.	1726 }	
1727 }		1727 }	
1728 }	Thomas Lawrence.	1728 }	
1729 }		1729 }	
1730 }	Thomas Griffiths.	1730 }	
1731 }		1731 }	
1732 }	Samuel Hassel.	1732 }	
1733 }	Thomas Griffiths.	1733 }	Andrew Hamilton.
1734 }	Thomas Lawrence.	1734 }	
1735 }	William Allen.	1735 }	
1736 }	Clement Plumsted.	1736 }	
1737 }	Thomas Griffiths.	1737 }	
1738 }	Anthony Morris.	1738 }	
1739 }	Edward Roberts.	1739 }	
1740 }	Samuel Hassell.	1740 }	
1741 }	Clement Plumsted.	1741 }	
1742 }	William Till.	1742 }	
1743 }	Benjamin Shoemaker.	1743 }	
1744 }	Edward Shippen.	1744 }	
1745 }	James Hamilton.	1745 }	William Allen.
1746 }		1746 }	
1747 }	William Atwood.	1747 }	
1748 }	Charles Willing.	1748 }	
1749 }	Thomas Lawrence.	1749 }	
1750 }	William Plumsted.	1750 }	
1751 }	Robert Strettell.	1751 }	Tench Francis.
1752 }	Benjamin Shoemaker.	1752 }	

<i>Mayors.</i>		<i>Recorders.</i>
1753-4 } Thomas Lawrence. }	1753	} Tench Francis.
1754-5 } Charles Willing. }	1754-5	
1755 } William Plumsted. }	1755	} Benjamin Chew.
1756 } Atwood Shute. }	1756	
1757 }	1757	
1758 Thomas Lawrence.	1758	
1759 John Stamper.	1759	
1760 Benjamin Shoemaker.	1760	
1761 Jacob Duche.	1761	
1762 Henry Harrison.	1762	
1763 Thomas Willing.	1763	
1764 Thomas Lawrence.	1764	
1765 } John Lawrence. }	1765	} Alexander Wilcocks.
1766 }	1766	
1767 } Isaac Jones. }	1767	
1768 }	1768	
1769 } Samuel Shoemaker. }	1769	
1770 }	1770	
1771 } John Gibson. }	1771	
1772 }	1772	
1773 William Fisher.	1773	
1774 Samuel Rhoads.	1774	
1775 Samuel Powell. (a)	1775	} Alexander J. Dallas.
1789 Samuel Powell.	1789	
1790 Samuel Miles.	1790	
1791 John Barclay.	1791	
1792 }	1792	
1793 } Matthew Clarkson. }	1793	
1794 }	1794	
1795 }	1795	
1796 } Hilary Baker. }	1796	
1797 }	1797	
1798 } Robert Wharton. }	1798	} Mahlon Dickerson.
1799 }	1799	
1800 John Inskeep.	1800-1	
1801 }	1801-2	
1802 } Matthew Lawler. }	1802	
1803 }	1803	
1804 }	1804	
1805 John Inskeep.	1805	
1806 } Robert Wharton. }	1806	
1807 }	1807-8	
1808 } John Barker. }	1808	
1809 }	1809-10	
1810 Robert Wharton.	1810	} Joseph Reed.
1811 Michael Keppelle.	1811	
1812 John Barker.	1812	
1813 John Geyer.	1813	
1814 }	1814	
1815 }	1815	
1816 } Robert Wharton. }	1816	
1817 }	1817	
1818 }	1818	

1) In the year 1776, the corporation was dissolved in consequence of the re-
tion, and the city remained unincorporated until 1789.

<i>Mayors.</i>		<i>Recorder.</i>	
1819	James N. Barker.	1819	Joseph Reed.
1820	Robert Wharton.	1820	
1821		1821	
1822		1822	

A LIST OF ALDERMEN

Of the city of Philadelphia, with the dates of their commissions.

Robert Wharton,	- - -	Oct. 11, 1796.
John Inskip,	- - -	May 21, 1799.
Andrew Pettit,	- - -	Oct. 22, 1801.
Matthew Lawler,	- - -	Oct. 22, 1801.
John Douglass,	- - -	May 22, 1802.
John Geyer,	- - -	Aug. 1, 1811.
George Bartram,	- - -	April 30, 1813.
Joseph Hertzog,	- - -	Feb. 11, 1814.
Samuel Badger,	- - -	July 24, 1815.
James N. Barker,	- - -	April 2, 1817.
Peter Christian,	- - -	March 4, 1818.
Abraham Shoemaker,	- - -	April 8, 1818.
William Duane,	- - -	April 23, 1822.
Joseph Watson,	- - -	April 23, 1822.
(One vacancy.)		

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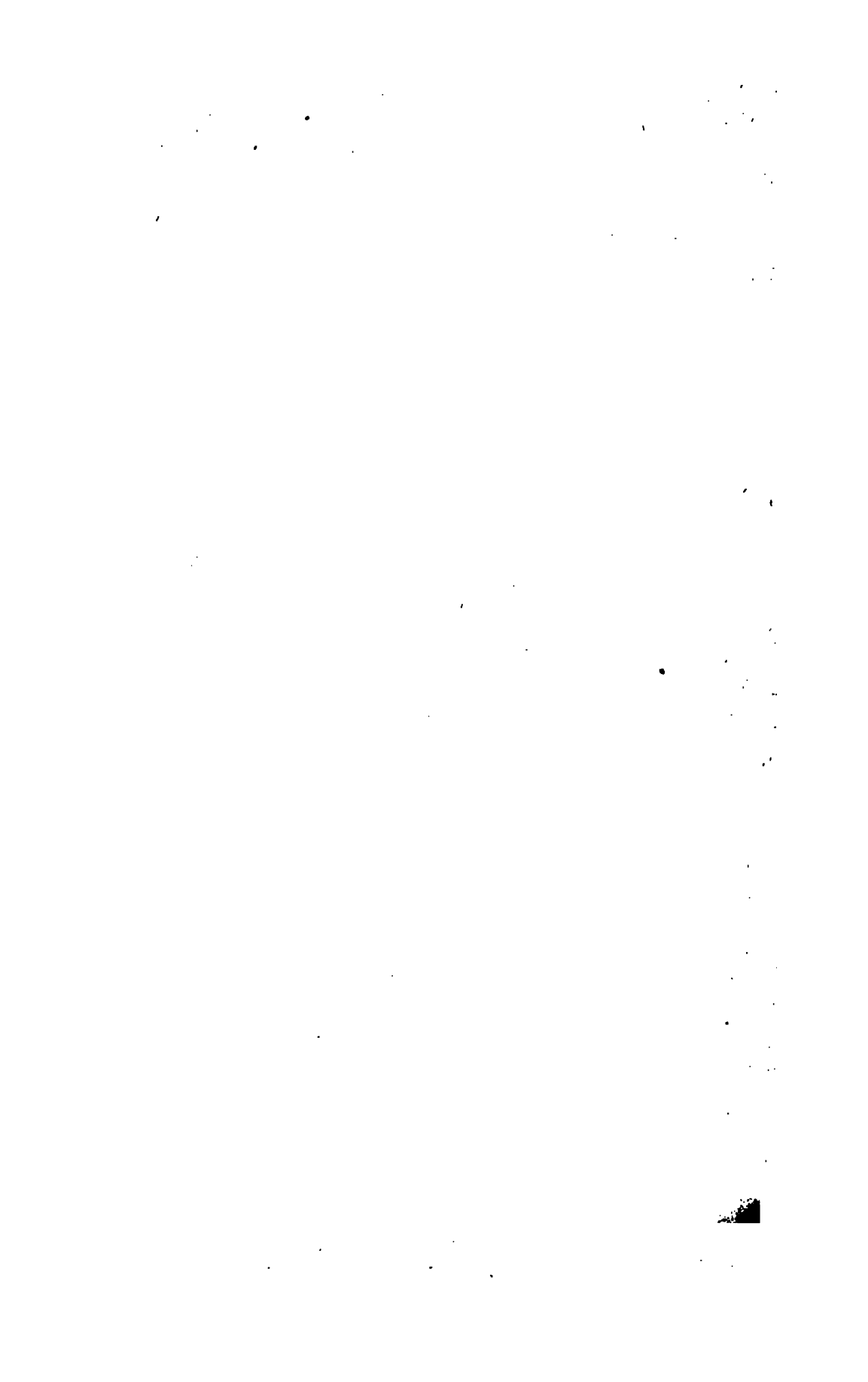
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ERRATA.

- Page 33, 3d line from the bottom; for "6," read 8.
 106, 33d line from the bottom; for "houses" read *houses*.
 133, 15th line; for "125," read 135.
 177, 22d and 23d lines; for "13," read 15.
 189, 26th line; for "on," read *or*.
 29th line; for "7, 29," read 8, 30.







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